

From: [REDACTED]@[REDACTED].

Sent: Thursday, January 2, 2014 4:36 PM

To: Tom Birmingham; Dan Nelson; Joe Findaro; David Longly Bernhardt; Denny Rehberg

Subject: Meeting with Jennifer Duck COS for DiFi at 10:30 am. Means I will miss the call. Will have to connect after. Any further agenda suggestions other than what we have discussed. I will raise the Cal Fed funding issue unless I hear otherwise.

Sent from my iPhone

From: Jason Peltier

Sent: Friday, January 3, 2014 11:32 AM

To: 'Karen Clark'; 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erica Woodward'; 'Erick Mullen'; 'Gayle Holman'; 'Jim Watson'; 'Joe Findaro'; 'Julie Minerva'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Richard Costigan'; 'Susan Ramos'; 'Tony Coelho'; T Birmingham

Subject: Folsom flow reduction decision pending

Folsom Dam may cut outflows to conserve dwindling supply

7:56 AM, Jan 3, 2014 | 2 comments



FOLSOM, Calif. - In a desperate attempt to avoid a water crisis in the coming months, the operator of Folsom Dam may reduce outflows to the bare minimum necessary to protect spawning steelhead trout in the American River.

Bureau of Reclamation Central California area manager Drew Lessard said his staff was in talks with federal and state wildlife officials to determine how much outflows could be cut without harming the winter run steelhead, a federally-protected species.

At 363 feet above sea level, Folsom Lake has never been so low in January; the dam is currently releasing four times more water than is flowing into the reservoir.

"We're proposing to reduce our flows into the American River so we can maintain water conservation in the dam," Lessard said.

Following the driest calendar year in recorded history, the Bureau of Reclamation has also begun planning for something the dam designers apparently never imagined: the intake that delivers domestic water to hundreds of thousands of people going above the water line.

The 7-foot diameter municipal and industrial water intake, which serves Folsom, Roseville and the San Juan Water District, is buried in the dam with the center line 317 feet above sea level. If the level of the lake drops another 43 feet, the intake could see daylight for the first time since the dam was built in 1955.

Lessard said in a worst-case scenario, a barge could be floated in one of the pools above the dam to pump water through a flexible line up to the intake.

He's still hoping that unprecedented water restrictions being implemented in communities that rely on Folsom Lake water along with reductions in outflows will keep the intake from going dry before storms can replenish the reservoir.

"I think right now, avoidance is the key."

From: Jason Peltier

Sent: Saturday, January 4, 2014 8:17 AM

To: Ed Manning; Carolyn Jensen (cjensen@ka-pow.com); Michael Burns; org; Dennis Cardoza; Joe Findaro; David Bernhardt

Subject: FW: FMWT Annual Abundance Indices - more bad news

Attachments: 2013_FMWT_Memo.pdf

-----Original Message-----

From: Jason Peltier [<mailto:jpeltier@westlandswater.org>]

Sent: Saturday, January 04, 2014 7:14 AM

To: 'Linda Standlee'; 'Kear,Adam C'; 'Allison Febbo'; 'Amelia Minaberrigarai'; 'Ara Azhderian'; 'B.J. Miller'; 'Burman,Brenda W'; 'Brent Walthall'; 'Byron Buck'; 'C Manson'; 'Christy Chung'; 'Cindy Kao'; 'Clark Karen'; 'Curtis Creel'; 'Dan Nelson'; 'Devin Mody'; 'Frances Brewster'; 'Jason Peltier'; jduerig@zone7water.com; 'Jerry Johns'; 'Jim Fiedler'; 'Jim Watson'; 'Joan Maher'; 'Jon Rubin'; 'Judy Bendix'; 'Kurt Arends'; 'Barrio,Virginia N'; 'Horton,Robert C'; 'Patterson,Roger K'; 'Sheehan,Rebecca D'; 'Valles,Sergio E'; 'Sheila Greene'; 'Stephanie Prince'; 'Arakawa,Stephen N'; 'Susan Mussett'; 'Taylor Blakslee'; 'Terry Erlewine'; 'Thomas Birmingham'; [REDACTED]@[REDACTED] [REDACTED] 'Winn,Rochelle R'; 'Zlotnick Greg'; 'Susan Ramos'; Vogel, Nancy@DWR; Karla Nemeth; B Miller; Mike Wade; Frances Mizuno

Subject: FW: FMWT Annual Abundance Indices - more bad news

In recent years DFG has released this survey data monthly as it was collected. This year they have released it all in the end...

I used to find the monthly pie charts of distribution to be valuable. Anyone know why they stopped releasing the survey data on a monthly schedule?

Earlier inquiries on this went unanswered.

Obviously, once again, an 80% cut to CVP Contractors was of no benefit to these fish.

Memorandum

Date: January 2, 2014

To: Scott Wilson
Regional Manager, Region 3
California Dept of Fish and Wildlife

From: Dave Contreras
Environmental Scientist
California Dept of Fish and Wildlife

Subject: Fall Midwater Trawl 2013 Annual Fish Abundance Summary

The California Department of Fish and Wildlife has conducted the Fall Midwater Trawl Survey (FMWT) to index the fall abundance of pelagic fishes nearly annually since 1967. FMWT equipment and methods have remained consistent since the survey's inception to allow abundance indices to be compared across time.

The FMWT conducts monthly surveys from September through December. The annual abundance index is the sum of the September through December monthly survey indices. During each monthly survey, one oblique midwater trawl tow is conducted at each of 100 index stations used for index calculation and at an additional 22 non-index stations that provide enhanced distribution information (Figure 1).

The 2013 sampling season was successfully completed on December 17, 2013. Field crews successfully conducted trawl tows at all index stations during all four survey months. Logistical difficulties precluded sampling at a single non-index station each in the Napa River during September and in the upper Sacramento River during November; all other non-index stations were successfully sampled. The following summary contains 2013 annual abundance information for five fish species based on FMWT survey sampling and describes the 2013 fall distributions of these fishes.

Delta Smelt

The 2013 Delta Smelt index is 18, making it the second lowest index in FMWT history (Figure 2). Delta Smelt abundance was highest in 1970 and has been consistently low since 2003, except in 2011.

Through the fall, Delta Smelt (n=18) were collected at index stations from Grizzly Bay through the lower Sacramento River. In September, they were collected in Honker Bay (n=2), the confluence (n=1), and the lower Sacramento River (n=1). In October, they were found in the confluence (n=2) and lower Sacramento River

(n=1) and by November, they were found at the confluence (n=2). In December, they were collected from Grizzly Bay (n=1), Montezuma Slough (n=1), Honker Bay (n=3), the confluence (n=3), and the lower Sacramento River (n=1). During the four surveys, only two Delta Smelt were caught at non-index stations. Both were caught in the Sacramento River Deep Water Shipping Channel (SRDWSC) in November.

Age-0 Striped Bass

The 2013 age-0 Striped Bass index is 70 and tied for the third lowest index in FMWT history (Figure 3). Age-0 Striped Bass abundance was highest at the survey's inception in 1967.

Age-0 Striped Bass (n=55) were collected at index stations from San Pablo Bay through the lower Sacramento River. Distribution varied month to month and over half of age-0 Striped Bass catch in 2013 occurred in December. One age-0 Striped Bass was collected at a non-index station in Cache Slough in October.

Longfin Smelt

The 2013 Longfin Smelt index is 164 and the eighth lowest index in FMWT history (Figure 4). Longfin Smelt abundance was highest in 1967.

Longfin Smelt (n=87) were collected at index stations from San Pablo Bay through the lower Sacramento River. Similar to last year, 60% percent of the total catch occurred in December. One Longfin Smelt was collected at a non-index station in the SRDWSC in November.

Threadfin Shad

The 2013 Threadfin Shad index is 277, the fifth lowest in FMWT history, and the sixth in a series of very low abundance indices (Figure 5). Threadfin Shad abundance was highest in 1997.

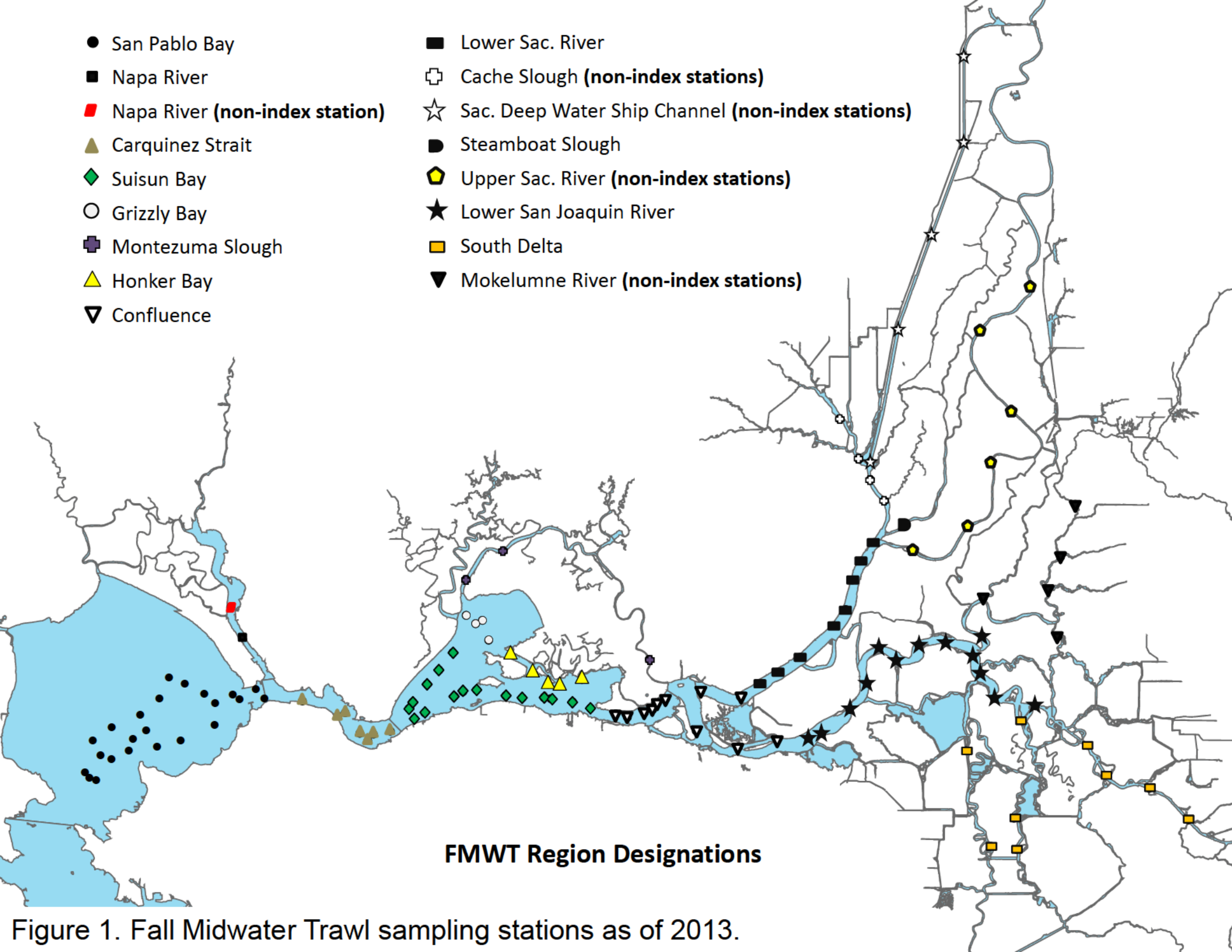
Threadfin Shad (n=208) were collected at index stations from San Pablo Bay through the lower Sacramento and San Joaquin rivers and the South Delta. From September through November, they were mostly (76%) found in freshwater areas (lower Sacramento and San Joaquin rivers). In December, the number caught increased and distribution expanded with more fish captured in Suisun and San Pablo bays. Threadfin Shad were also collected at non-index stations in the Napa River (n=1), Cache Slough (n=761), SRDWSC (n=676), the upper Sacramento River (n=3), and the Mokelumne River (n=1).

American Shad

The 2013 American Shad index is 309 and the second lowest in FMWT history (Figure 6). American Shad abundance was highest in 2003.

American Shad (n=231) distribution varied from September to December but 79% of the total index catch were found at stations from Suisun Bay through the lower Sacramento River. American Shad were also collected at non-index stations in the Napa River (n=1), Cache Slough (n=46), SRDWSC (n=131), Steamboat Slough (n=2), and Mokelumne River (n=3).

cc: Marty Gingras, Randy Baxter, Bob Fujimura, and Kathy Hieb



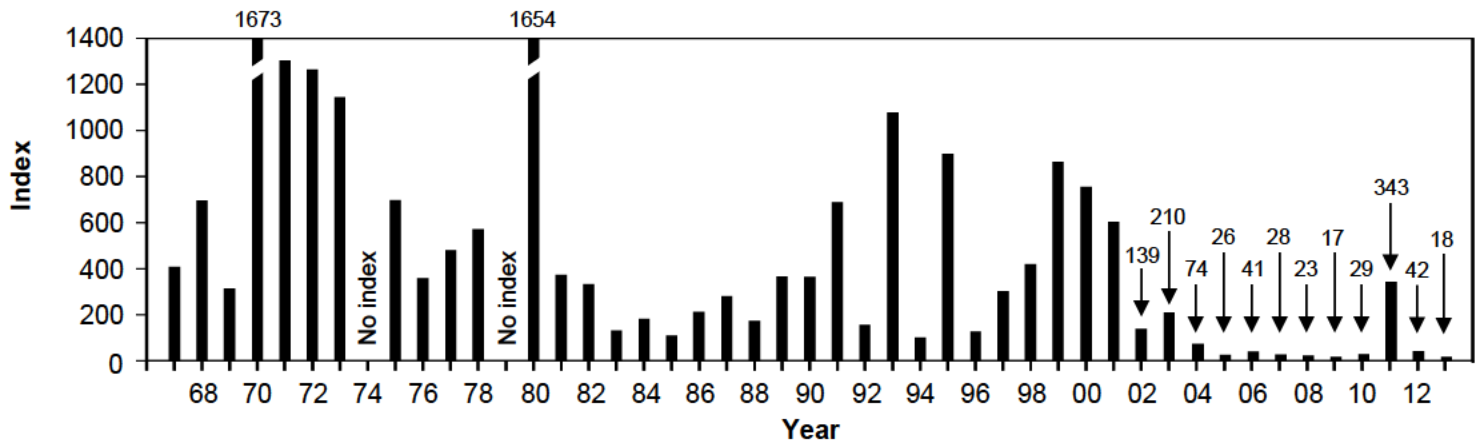


Figure 2. Delta Smelt FMWT annual abundance indices, 1967-2013.

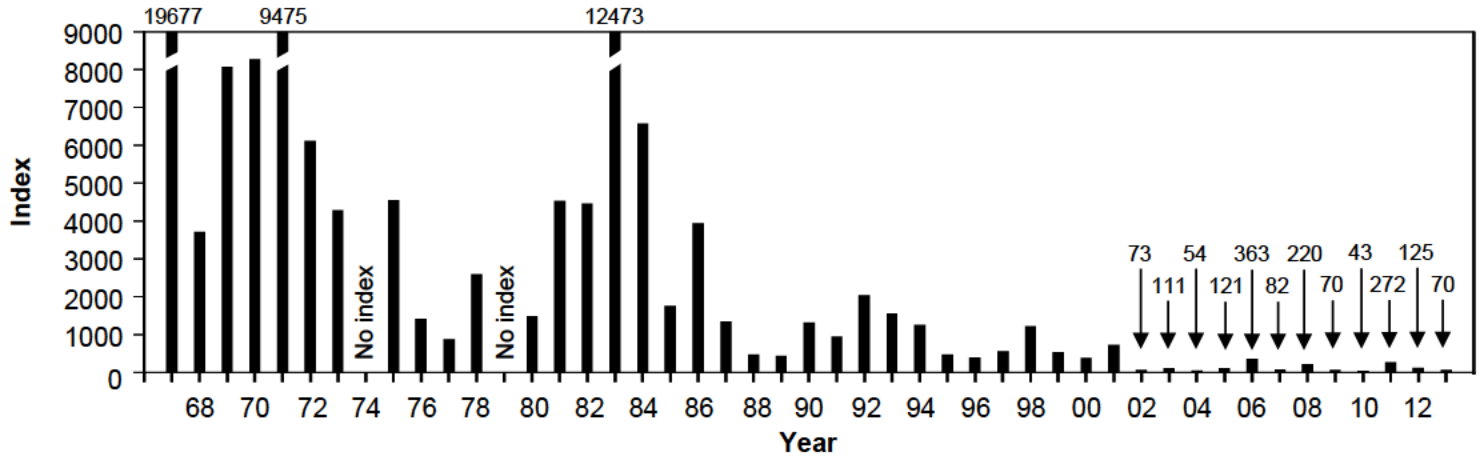


Figure 3. Age-0 Striped Bass FMWT annual abundance indices, 1967-2013.

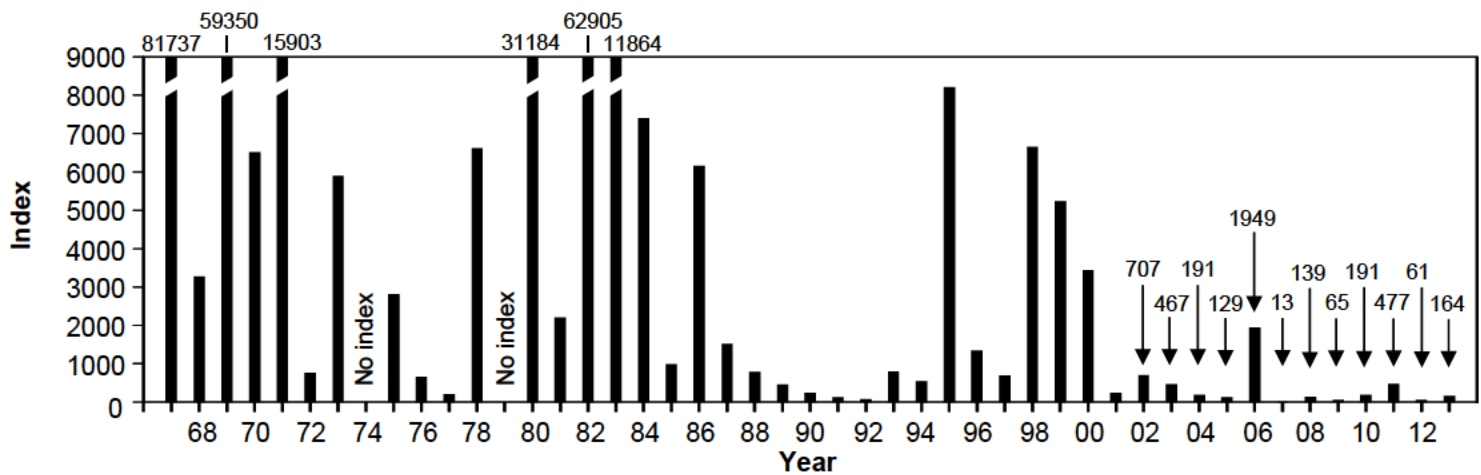


Figure 4. Longfin Smelt FMWT annual abundance indices, 1967-2013.

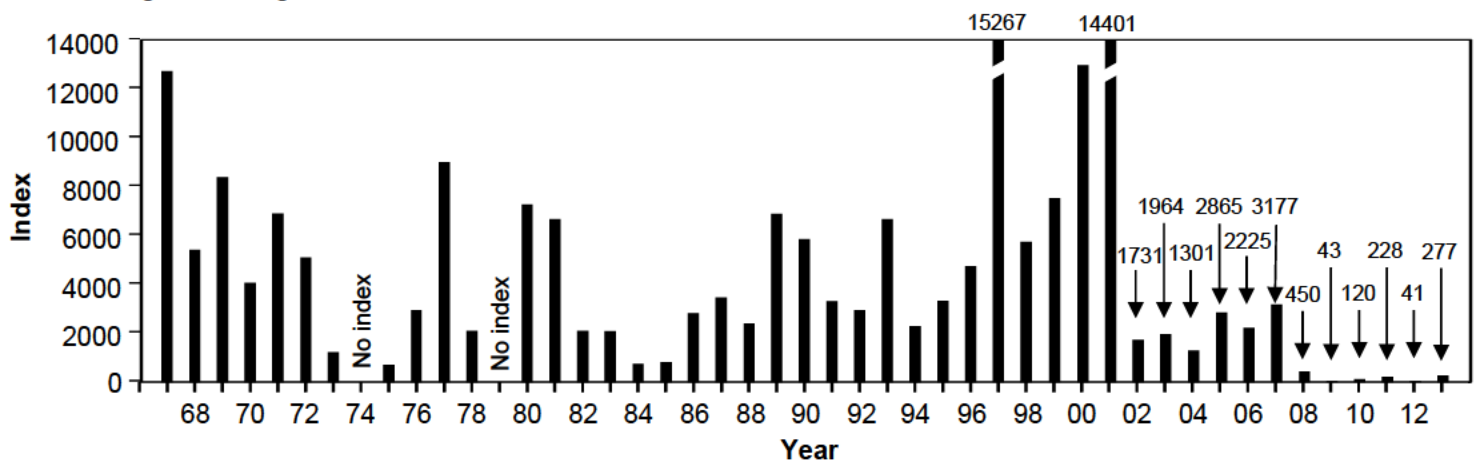


Figure 5. Threadfin Shad FMWT annual abundance indices, 1967-2013.

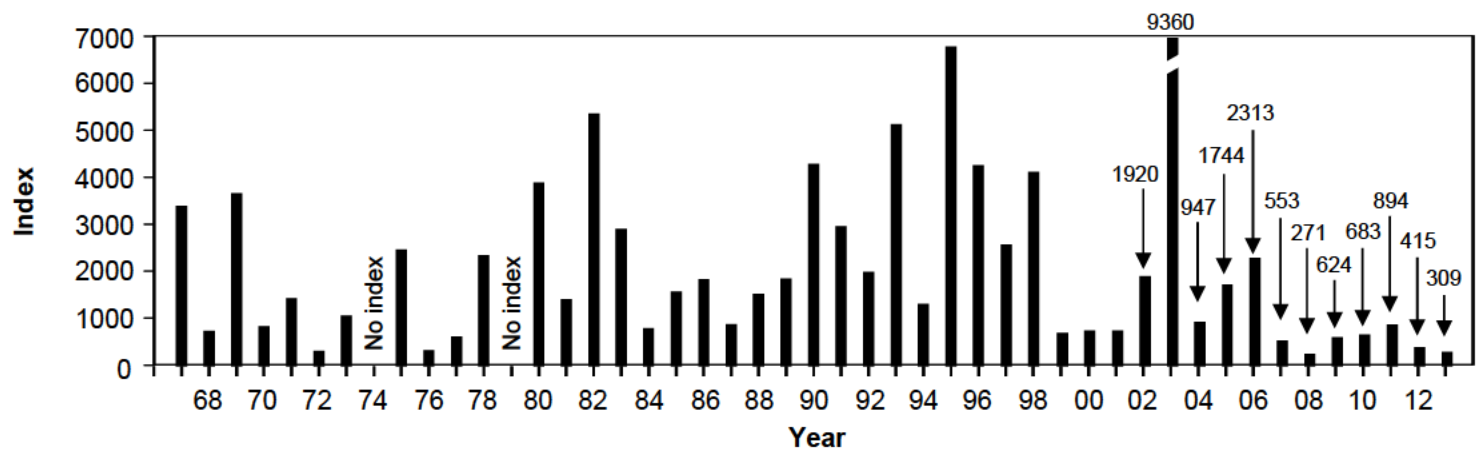


Figure 6. American Shad FMWT annual abundance indices, 1967-2013.

From: Karen Clark
Sent: Monday, January 6, 2014 2:52 PM
To: Erica Woodward
Subject: Dates for Annual Strategy Session

Hi Erica,

I have not heard back from Dennis about the email I sent (at least I don't think I did, but forgive me if he sent something and I overlooked it). Could you look into this and let me know.

Thanks so much and Happy New Year!

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93710
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Friday, January 03, 2014 9:07 AM
To: Alan Elias; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Cheryl Faunce; 'David Bernhardt'; Dennis Cardoza; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erica Woodward; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'J
Cc: Karen Clark
Subject: Annual Strategy Session

All,

Per today's conference call, please email me your availability for a video conference on the following dates:

January 22

January 23

January 27

January 28

January 29

January 30

Thanks!

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District

P.O. Box 6056
Fresno, CA 93710
(c) [REDACTED]
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Email: kclark@westlandswater.org

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From: Karen Clark
Sent: Monday, January 6, 2014 3:17 PM
To: 'Woodward, Erica'
Subject: RE: Dates for Annual Strategy Session

No problem, Erica. Thanks so much!

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93710
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Woodward, Erica [mailto:EWoodward@manatt.com]
Sent: Monday, January 06, 2014 2:15 PM
To: Karen Clark
Subject: RE: Dates for Annual Strategy Session

Hi Karen,

My apologies, I know he tried to reach you by phone earlier today. As for his availability via videoconference, most days look good with the exception of the 23rd and 30th. Please let me know if I can provide any other information.

Kindly,
Erica

P.s. Happy New Year- hope you had a wonderful holiday-

From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: Monday, January 06, 2014 4:52 PM
To: Woodward, Erica
Subject: Dates for Annual Strategy Session

Hi Erica,

I have not heard back from Dennis about the email I sent (at least I don't think I did, but forgive me if he sent something and I overlooked it). Could you look into this and let me know.

Thanks so much and Happy New Year!

~Karen

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(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]

Sent: Friday, January 03, 2014 9:07 AM

To: Alan Elias; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Cheryl Faunce; 'David Bernhardt'; Dennis Cardoza; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erica Woodward; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'J

Cc: Karen Clark

Subject: Annual Strategy Session

All,

Per today's conference call, please email me your availability for a video conference on the following dates:

January 22

January 23

January 27

January 28

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January 30

Thanks!

~Karen

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Email: kclark@westlandswater.org

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immediately.

From: Jason Peltier
Sent: Monday, January 6, 2014 8:40 PM
To: Dennis Cardoza; David Bernhardt
Subject: Fwd: Section 32

FYI.

Begin forwarded message:

From: "Jason Peltier" <jpeltier@westlandswater.org>
Date: January 6, 2014 at 7:39:34 PM PST
To: "Schubert, Sandra@CDFA" <sandra.schubert@cdfa.ca.gov>
Cc: Ara Azhderian <Ara.Azhderian@sldmwa.org>, Brent Walthall <bwalthall@kcwa.com>
Subject: Re: Section 32

Thanks so much. You guys are obviously doing your homework.

On Jan 6, 2014, at 7:30 PM, "Schubert, Sandra@CDFA" <sandra.schubert@cdfa.ca.gov> wrote:

Jason –

Thanks for taking the time today, and tomorrow. I always learn a lot when we talk.

The program that would give the USDA Secretary the flexibility he needs to address these impacts is USDA's Section 32 (7 USC 612c). Section 32 appropriates 30 percent of annual customs receipts (currently approximately \$6.5 billion), \$500 million of which the Secretary of USDA may use to assist farmers. The Secretary has used Section 32 reserve monies several times in recent years to pay for agricultural disaster relief. In 2002, Secretary Veneman established a "Livestock Assistance Program" that covered \$937 million of 2001 – 2002 drought losses to cattle, lamb and buffalo producers in 37 states. Section 32 funds have also gone for Florida disaster payments to cover hurricanes and disease losses. In 1999, the 25 percent limit on the amount of Section 32 funds that can go to any single commodity was suspended to help hog producers cover costs due to exceptionally low prices.

Let me know if you need additional information.

I hear that the Farm Bill is moving fast, at least today.

See you tomorrow.

Sandy

Sandra Schubert
Undersecretary
California Department of Food and Agriculture
916.654.0433
sandra.schubert@cdfa.ca.gov

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From: Karen Clark
Sent: Tuesday, January 7, 2014 11:15 AM
To: Bernhardt, David L.
CC: Karen Clark
Subject: January 29, 9:00 a.m. PST Annual Strategy Meeting

Hi David,

I'm getting ready to send out an email regarding the Annual Strategy Meeting with a date of January 29 at 9:00 a.m. PST. Would your office be available (for video conference) for everyone in Washington DC participating?

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93710
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Bernhardt, David L.
Sent: Tuesday, January 7, 2014 11:21 AM
To: Karen Clark
CC: Mascot, Elizabeth K.
Subject: Re: January 29, 9:00 a.m. PST Annual Strategy Meeting

I think so, I just need to make sure the room is available. Liz can you check.

David Bernhardt

On Jan 7, 2014, at 1:16 PM, "Karen Clark" <kclark@westlandswater.org> wrote:

Hi David,

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From: Mascot, Elizabeth K.
Sent: Tuesday, January 7, 2014 12:03 PM
To: Karen Clark
CC: Bernhardt, David L.
Subject: RE: January 29, 9:00 a.m. PST Annual Strategy Meeting

Hi Karen,

I have reserved our video conference system for 9:00 am PST on January 29th.

Please let me know if I may assist you with anything else.

Best,
Liz

Elizabeth Mascot
Administrative Assistant
Brownstein Hyatt Farber Schreck, LLP
1350 I Street, NW, Suite 510
Washington, DC 20005
202.652.2352 tel
EMascot@BHFS.com

To ensure compliance with requirements imposed by the IRS, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for purposes of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter addressed herein.

From: Bernhardt, David L.
Sent: Tuesday, January 07, 2014 1:21 PM
To: Karen Clark
Cc: Mascot, Elizabeth K.
Subject: Re: January 29, 9:00 a.m. PST Annual Strategy Meeting

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From: Karen Clark
Sent: Tuesday, January 7, 2014 12:13 PM
To: 'Mascot, Elizabeth K.'
Subject: RE: January 29, 9:00 a.m. PST Annual Strategy Meeting

Thanks so much, Liz.

~Karen

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From: Mascot, Elizabeth K.
Sent: Tuesday, January 7, 2014 12:20 PM
To: 'Karen Clark'
Subject: RE: January 29, 9:00 a.m. PST Annual Strategy Meeting

No problem!

Elizabeth Mascot

Administrative Assistant

Brownstein Hyatt Farber Schreck, LLP

1350 I Street, NW, Suite 510

Washington, DC 20005

202.652.2352 tel

EMascot@BHFS.com

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From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Tuesday, January 07, 2014 2:13 PM
To: Mascot, Elizabeth K.
Subject: RE: January 29, 9:00 a.m. PST Annual Strategy Meeting

Thanks so much, Liz.

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

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From: Bernhardt, David L.
Sent: Friday, January 10, 2014 3:24 PM
To: Marklund, Chris
CC: Tom Birmingham
Subject: Re: Emergency Authority

Chris: I can be available.

David Bernhardt

On Jan 10, 2014, at 2:15 PM, "Marklund, Chris" <Chris.Marklund@mail.house.gov> wrote:

Tom and David,

The Whip's office is very interested in being helpful in pushing our Emergency Authority language. They have requested a conference call with either or both of you, myself, Kyle Lombardi, Melissa w/ Paramount Farms and Brent Walthall w/ LCWA to discuss any sticking points or answer any questions those groups might have. In a conversation I had with Brent yesterday, he seemed interested and supportive of the approach so I imagine the call should be relatively easy.

Would either or both of you be available for a 4 PM EST conference call on Wednesday, January 15th?

I'm also attaching a copy of the most recent draft of the language from Leg Counsel. It is undergoing their formal review process currently. I will send any version updates as they become available.

Chris

--

Chris Marklund
Legislative Director
Rep. David Valadao
1004 Longworth House Office Building
Washington, DC 20024
Ph: 202-225-4695
Fax: 202-225-3196
Chris.Marklund@mail.house.gov

Please follow Rep. David G. Valadao on Facebook, Twitter, and Instagram

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<VALADA_030_xml.pdf>

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From: Marklund, Chris
Sent: Friday, January 10, 2014 3:25 PM
To: 'Bernhardt, David L.'
CC: 'Tom Birmingham'
Subject: RE: Emergency Authority

Great. Call in information will follow.

Chris

--

Chris Marklund
Legislative Director
Rep. David Valadao
1004 Longworth House Office Building
Washington, DC 20024
Ph: 202-225-4695
Fax: 202-225-3196
Chris.Marklund@mail.house.gov

Please follow Rep. David G. Valadao on Facebook, Twitter, and Instagram



From: Bernhardt, David L. [mailto:DBernhardt@BHFS.com]
Sent: Friday, January 10, 2014 5:24 PM
To: Marklund, Chris
Cc: Tom Birmingham
Subject: Re: Emergency Authority

Chris: I can be available.

David Bernhardt

On Jan 10, 2014, at 2:15 PM, "Marklund, Chris" <Chris.Marklund@mail.house.gov> wrote:

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From: Bernhardt, David L.

Sent: Monday, January 13, 2014 9:52 AM

To: Jason Peltier (jpeltier@westlandswater.org); Thomas W. Birmingham (tbirmingham@westlandswater.org)

Subject: George Miller

I thought you would find this interesting

California Rep. George Miller, Nancy Pelosi's strong right arm and one of the top Democratic legislators of his generation, is stepping down at the end of this year after four decades in Congress.

Miller informed Pelosi, the Democratic leader, of his decision last Wednesday and began telling personal staff Monday morning in advance of a public announcement in his Bay Area home district.

For more information... <http://www.politico.com>

=====

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From: Jason Peltier
Sent: Monday, January 13, 2014 10:15 AM
To: 'Bernhardt, David L.'
CC: Jean-Mari Peltier
Subject: RE: George Miller

Yes, I find this development to be of passing interest.

From: Bernhardt, David L. [mailto:DBernhardt@BHFS.com]
Sent: Monday, January 13, 2014 8:52 AM
To: Jason Peltier (jpeltier@westlandswater.org); Thomas W. Birmingham (tbirmingham@westlandswater.org)
Subject: George Miller

I thought you would find this interesting

California Rep. George Miller, Nancy Pelosi's strong right arm and one of the top Democratic legislators of his generation, is stepping down at the end of this year after four decades in Congress.

Miller informed Pelosi, the Democratic leader, of his decision last Wednesday and began telling personal staff Monday morning in advance of a public announcement in his Bay Area home district.

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From: Jason Peltier

Sent: Monday, January 13, 2014 8:29 PM

To: Tom Birmingham; Gayle Holman; Dennis Cardoza; Ed Manning; Carolyn Jensen (cjensen@ka-pow.com); David Bernhardt; sramos@westlandswater.org

Subject: Despite Valley pleas, Gov. Jerry Brown not ready to declare drought emergency | Central Valley | Modesto Bee

<http://www.modbee.com/2014/01/13/3132775/valley-leaders-urge-gov-jerry.html>

From: Bernhardt, David L.
Sent: Wednesday, January 15, 2014 6:27 PM
To: Marklund, Chris
CC: Tom Birmingham
Subject: Re: Emergency Authority

Chris: Call me first thing in the morning and I will walk you through a few points that I think are helpful. My direct line is 2028725286.

On Jan 15, 2014, at 7:24 PM, "Marklund, Chris" <Chris.Marklund@mail.house.gov> wrote:

Tom and David,

I just got off the phone with Damon. He seem to be pressing that the bills don't do anything right now. As I understand it, he's right given the current dry situation. As I understand the counter argument, the problem is if more water appears we are unable to capture any of it because the ESA and CWA restrictions will go into effect. If the bill were enacted, we would be able to capture more of the water because the Secretaries/Administrator would be able to waive those restrictions. Congress can't make it rain but this bill is about making sure we can maximize our ability to capture any new water should a rain occur.

Does that correctly summarize it?

We have an 11:30 tomorrow with the Whip and Mr. Nunes. Is there anything you guys can provide me that shows a demonstrable increase in water supplies if the bill were to be in effect under current conditions? Or, what the change in conditions would need to be to show a benefit and how much that benefit would be?

Thanks,

Chris

--

Chris Marklund
Legislative Director
Rep. David Valadao
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Washington, DC 20024
Ph: 202-225-4695
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From: Jason Peltier

Sent: Friday, January 17, 2014 8:32 AM

To: Tom Birmingham; Dennis Cardoza; David Bernhardt; Joe Findaro

Subject: monthly_drought.pdf

Attachments: monthly_drought.pdf

http://www.cpc.ncep.noaa.gov/products/expert_assessment/monthly_drought.pdf

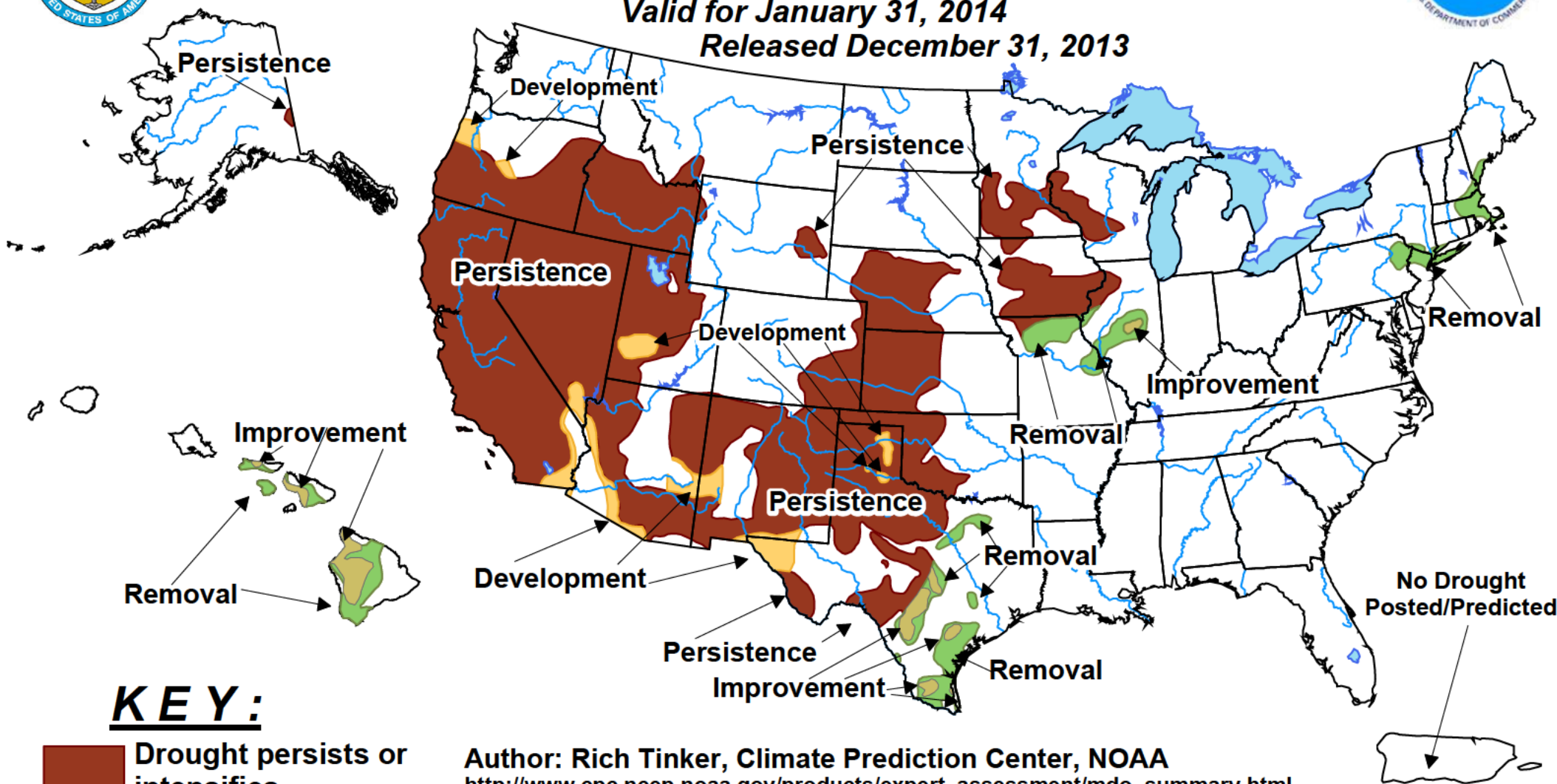


U.S. Monthly Drought Outlook





Drought Tendency During the Valid Period

Valid for January 31, 2014

Released December 31, 2013



KEY:

-  Drought persists or intensifies
-  Drought remains but improves
-  Drought removal likely
-  Drought development likely

Author: Rich Tinker, Climate Prediction Center, NOAA

http://www.cpc.ncep.noaa.gov/products/expert_assessment/mdo_summary.html

Depicts large-scale trends based on subjectively derived probabilities guided by short- and long-range statistical and dynamical forecasts. Short-term events -- such as individual storms -- cannot be accurately forecast more than a few days in advance. Use caution for applications -- such as crops -- that can be affected by such events. "Ongoing" drought areas are approximated from the Drought Monitor (D1 to D4 intensity). For weekly drought updates, see the latest U.S. Drought Monitor.

NOTE: The tan areas imply at least a 1-category improvement in the Drought Monitor intensity levels by the end of the period although drought will remain. The green areas imply drought removal by the end of the period (D0 or none)

From: Bernhardt, David L.
Sent: Tuesday, January 21, 2014 11:47 AM
To: Jason Peltier
Subject: Fwd: From Greenwire -- DROUGHT: Californians face 'new reality' of water scarcity

FYI. You are quoted.

[REDACTED]

Begin forwarded message:

From: "dbernhardt@bhfs.com" by E&E Publishing" <email_this@eenews.net>
Date: January 21, 2014 at 1:44:39 PM EST
To: <Dbernhardt@bhfs.com>
Subject: From Greenwire -- DROUGHT: Californians face 'new reality' of water scarcity
Reply-To: <dbernhardt@bhfs.com>

This Greenwire story was sent to you by: dbernhardt@bhfs.com



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DROUGHT: Californians face 'new reality' of water scarcity (Tuesday, January 21, 2014)

Anne C. Mulkern and Debra Kahn, E&E reporters

Living with long-term drought could become the "new reality" for California, experts said after Gov. Jerry Brown (D) on Friday officially declared the state's record-shattering water shortage.

Water managers, farmers and fishermen are girding themselves for water scarcities in the months ahead. Some fear not only that the drought's effects will be more pronounced than previous dry spells, but that the populous state might be forced to adjust to less precipitation on an ongoing basis.

The drought should be seen as a catalyst for making needed changes to how California handles its water, some experts argued.

"One of our messages is, this kind of drought and the way it's happening is really our new reality," said Lester Snow, who was director of California's Department of Water Resources in former Gov. Arnold Schwarzenegger's (R) administration and now is executive director of the California Water Foundation, which advocates for sustainable water management. "It's more of the way water is going to occur in California."

The drought's effects could be widespread, those who deal with water said. The state's population has shot to 38 million people today, compared with 22 million during the last record-breaking drought in 1977. Meanwhile, the state's farms increased their revenue to \$45 billion from \$9.6 billion over the same time period. The earlier figure is in that year's dollars.

"The consequences of this drought will be magnified on the human and economic scale compared to our worst drought in modern times" in 1977, said Jason Peltier, deputy general manager of the Westlands Water District, which supplies irrigation water to about 600,000 acres of farmland in the San Joaquin Valley.

California's water issues are a function of its meteorological conditions, hydrologic patterns and population concentrations. But the effects of the drought could stretch far beyond the state's borders.

Brown's emergency declaration opens the state to federal aid and orders the hiring of more firefighters to combat dry conditions, even as the drought has spread into Oregon and Washington ([ClimateWire](#), Jan. 10). The Golden State's specialty crops, meanwhile, account for more than half the nation's fruits, vegetables and nuts in addition to nearly \$7 billion of exports worldwide, according to California Department of Food and Agriculture data.

In the Central Valley, hundreds of thousands of acres of land used to grow cotton, tomatoes, vegetables and other crops might be left fallow as farmers run out of affordable water. Some will use what supplies they have to protect investments in crops growing on trees and vines.

Overall, there might be 600,000 to 700,000 acres in the state's San Joaquin Valley that aren't planted this year if the situation doesn't improve with more rainfall, according to Dave Kranz, a spokesman for the California Farm Bureau Federation, which represents about 74,000 farmers and ranchers.

That region is a popular place for growing lettuce, tomatoes, onions, garlic, wheat and cotton, he said.

The drought declaration comes as farmers are deciding what crops to plant that will be harvested in summer and fall. Most farmers will wait as long as they can, Kranz said, while watching precipitation forecasts.

"Those are going to potentially be affected by reduced water allocations," Kranz said.

Officials from one key agricultural district in the Central Valley said they expected 200,000 acres -- a third of their acreage -- to lie dormant. Farmers would sacrifice lower-value annual crops like cotton and tomatoes in order to preserve almonds, grapes and other profitable plants that grow on vines and trees, Peltier said.

"The first crops to go, they'll all be row crops of one sort or another."

A sort of Catch-22 situation has evolved as water has become scarcer, he said. Restrictions on deliveries of water from the Central Valley, which costs about \$150 per acre-foot, force farmers to buy water on the open market at up to \$600 per acre-foot, he said. To make the economics work, they have to plant more valuable crops.

"Knowing market water is always going to be more expensive than project water, our farmers have coped with that economic reality by planting crops with higher returns," he said. "They have to be able to buy more expensive water because the project is broken."

The drought declaration could make U.S. Department of Agriculture help available to farmers. USDA already has declared 27 California counties a drought disaster area, Kranz said. That means farmers in those counties, as well as in bordering counties, are eligible to apply for low-interest emergency loans.

People face fines for washing cars

Most of the state's 38 million residents are still being spared the worst effects of the drought. Brown's emergency drought proclamation last week urged people to voluntarily curb their water use by 20 percent. He warned that mandatory restrictions could follow.

"We're facing perhaps the worst drought that California has ever seen since records began being kept about 100 years ago," he said. "As the weeks go by, we'll recalibrate, and certainly we're holding out the possibility of mandatory conservation" ([E&ENews PM](#), Jan. 17).

The drought will play out differently in different parts of the state, said Newsha Ajami, director of urban water policy for Water in the West at Stanford University. Local agencies might set new rules on water conservation, like those limiting watering of lawns and car washing.

Sacramento officials last week ordered customers to cut their water use 20 percent, ahead of Brown's call for voluntary reductions. Folsom Lake Reservoir, on the American River, is currently at 17 percent capacity, a third of what it contains under average conditions for this time of year. If it drops much further, Sacramento might be unable to divert water upstream of the Folsom Dam.

The city is stepping up enforcement of its existing conservation rules, which include restrictions on watering lawns by time of day and day of the week. People can be fined up to \$1,000 for repeat violations, such as washing their cars on the wrong day. Officials hope to shave 84 gallons off an average family's usage of 417 gallons per day.

Major Southern California metropolises, in contrast, have been trumpeting their savings through conservation and storage projects.

"Los Angeles has prepared for this drought," the city's municipal utility, the Los Angeles Department of Water and Power, said in a statement. "Today, Angelenos use less water per capita than residents of any major U.S. city with a population over 1 million."

The city offers rebates for water-efficient appliances, as well as a "Cash for Grass" rebate -- raised last April from \$1.50 to \$2 per square foot -- for people who replace their grass lawns with native plants, mulch or other dry landscaping.

San Diego responded to Brown's call for a 20 percent cut by reassuring its residents that no restrictions would be needed, noting that the governor's declaration was "primarily to assist Northern and Central California."

"While the call for the successful conservation efforts that have become a way of life in our city still stands, the water supply situation in San Diego is currently stable," the city said in a news release.

Southern California's resilience is the result of experience gained in past droughts, one observer pointed out. In 1999, the Metropolitan Water District of Southern California, a cooperative of agencies that supplies 19 million people, finished building a reservoir that nearly doubled the region's surface storage capacity. It is currently at 72 percent capacity.

"Southern California made some significant investments in diversifying their water supplies, and that's what we need to see more cities and agricultural districts do," said Doug Obegi, an attorney with the Natural Resources Defense Council's water program. "We're on track to be drier than the '76-'77 drought this year, yet Southern California has ample water reserves. With any luck, they're going to be able to weather this drought. That's a pretty remarkable testament to those prior investments."

The region also receives water from both the Sacramento-San Joaquin and Colorado river systems, which insulates it somewhat from drought.

"The likelihood you get a drought on both of them is lower than the likelihood you get a drought on one of them," Obegi said.

Fixes for an uncertain future

Brown had to declare the latest drought because "this is sort of a slow-moving disaster coming," said Ajami of Stanford. Last year also was a very dry year, she said. And the drought could go on for several years.

"For us, it's a harbinger of what our future is going to be like, and we need to start responding to it," said Snow, with the California Water Foundation.

As the climate changes, California is losing snowpack, with more precipitation coming as rain. There needs to be better planning to store water in wetter years so it's available for future droughts, he said.

Snow believes it's impractical to build more large dams. Instead, he said, there needs to be a portfolio of solutions, including recycling of wastewater. There also could be groundwater recharge, in which water during wet years through various methods is moved into groundwater. Cities could also change how they deal with stormwater, by capturing, storing and treating it instead of letting it run off. And there could be improved efficiencies in agriculture, he said.

Kranz also advocated California's boosting its water storage capabilities as part of an "all of the above approach" like the one Snow described. He noted that in November 2012, there were heavy rains, but to comply with environmental regulations, "a lot of water ended up going out to ocean."

Federal rules sometimes require pumping curtailments to protect delta smelt and salmon. Storage would have allowed more to stay in the state, Kranz said. Storage also is needed to prevent flooding, he said, as more precipitation falls as rain and not snow.

Storage would add flexibility, he said, adding, "You can only squeeze so much out of every drop of water before you need more drops."

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From: Craig Manson

Sent: Sunday, January 26, 2014 7:43 PM

To: Tom Birmingham; Jason Peltier; Jon D. Rubin; Greg Zlotnick

CC: Dan Nelson; Diane Rathmann; Philip Williams; Bernhardt, David L.

Subject: Congress Exempts U.S. Population of Endangered Species From ESA

In the Omnibus Spending Bill passed last Wednesday:

<http://www.endangeredspecieslawandpolicy.com/2014/01/articles/congress/congress-exempts-us-population-of-endangered-species-from-esa/>

From: Jason Peltier

Sent: Monday, January 27, 2014 12:22 PM

To: Dennis Cardoza; Joe Findaro; David Bernhardt

CC: T Birmingham (tbirmingham@westlandswater.org); Dan Nelson <Dan.Nelson@sldmwa.org>; Ara.azhderian@sldmwa.org

Subject: LaTimes

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Republicans seek to tap California drought for a political edge

Midterm election campaigns attempt to link the state's water crisis to Democratic environmental policies, and promise relief for farmers.

-  Comments
-



A visitor to Folsom Lake in California's Central Valley walks his dog down a boat ramp that is now several hundred yards from the water's edge. At a mere 17% capacity, the lake has become a visual symbol of California's water crisis. (Rich Pedroncelli / Associated Press / January 9, 2014)

- **ALSO**



- California's drought, times three



- A menacing air in the Central Valley



- In California's drought emergency, Gov. Brown declares the obvious

By Evan Halper

January 26, 2014 10:58 p.m.

WASHINGTON — Beleaguered and outnumbered, California Republicans think they may have found a crucial ally — drought.

Up and down the state's increasingly dry Central Valley, Republicans have pounded away at the argument that Democratic policies — particularly environmental rules — are to blame for the parched fields and dwindling reservoirs that threaten to bankrupt farms and wipe out jobs.

In his latest campaign video, Republican Doug Ose stands in the middle of dried-out Folsom Lake. At a mere 17% capacity, the usually scenic reservoir favored by boaters and sunbathers looks like the set of "Mad Max." As the camera pans, Ose declares, "We're facing a real crisis."

"Where's our representative?" he demands, referring to Rep. Ami Bera, a freshman Democrat elected in 2012 on a razor-thin margin, whom he hopes to unseat this fall.

House Speaker John A. Boehner joined the effort recently, flying to Bakersfield and promising to shepherd legislation through the House to divert some of the state's dwindling water supply to farmers.

"When you come to a place like California, and you come from my part of the world, you just shake your head and wonder what kinds of nonsense does the bureaucracy do out here?" the Ohio Republican said, referring to the long-running diversion of millions of gallons from farms to the habitats of endangered fish.

"How you can favor fish over people is something that people from my part of the world never understand," he said.

Whether the politics of water can help the Republican Party make gains in this year's congressional elections remains to be seen. Republicans have bet on the water issue in the past to little avail. Senate candidate Carly Fiorina, for example, made attacks on water-related environmental regulations a major element of her unsuccessful campaign against Democratic Sen. Barbara Boxer in 2010.

Already, however, the renewed partisan focus on the issue has complicated Gov. Jerry Brown's job, as his administration scrambles to develop emergency plans to keep water flowing to cities where the spigots of homes and businesses are in danger of running dry.

And this time may be different.

Across the state's agricultural heart, crisis is bearing down. Laborers face unemployment, and the owners of small companies that rely on a robust farming industry are panicked. The GOP is leveraging their anger.

Until now, "nobody cared," said Tony Quinn, an editor of the California Target Book, which handicaps political races. "In a drought, all of a sudden there is rationing, there is no boating, no fishing. People are told not to flush when they pee in the toilet. We'll be going through all that. People begin to pay attention."

"Republicans are looking for an issue in this very Democratic state," Quinn added. "Congressional candidates throughout the Central Valley are going to seize on this."

Indeed, Republican strategists hope the issue could help in half a dozen districts in and around the Central Valley. In addition to Ose's race against Bera, Republican strategists hope anger over water restrictions could help them with otherwise uphill challenges to Democratic incumbents Jerry McNerney of Stockton and Jim Costa of Fresno.

Water politics could also help Republicans defend incumbents who might be vulnerable if Brown appears headed to a lopsided victory. Democrats have eyed three Central Valley Republicans — Reps. David Valadao of Hanford, Jeff Denham of Turlock and Devin Nunes of Tulare — as possible targets.

The political advantage exists even though the plan Boehner unveiled last week, which would give more water to farms and less to habitat conservation, stands almost no chance of becoming law. The Brown administration dismisses the proposal as crude and potentially catastrophic, and its odds in the Democratic-controlled Senate are about nil.

Leading Democrats argue that the Republican proposals ignore the reality that California's water woes are complex and caused by diverse issues. Among them are gambles that agricultural interests took when they invested heavily in operations that rely on unstable water supplies.

Relaxing of endangered species protections would not necessarily free up any water amid a drought this severe. Moreover, Democrats note, proposals to fund large water conservation and recycling programs have foundered in the GOP-controlled House.

"This is a political stunt," said Rep. George Miller (D-Martinez), a veteran of the state's water tensions. "Their argument is so stupid."

The drought has already complicated Brown's efforts to win approval for his long-range plan to build two 35-mile tunnels that would divert as much as 67,500 gallons of water every second from the Sacramento Delta to thirsty cities and farms to the south.

The latest move by Central Valley farmers and their Republican allies to get more water in these scarce times is sure to increase tensions with Northern California voters and their representatives, including Miller, among whom opposition to diverting delta water appears to be hardening.

State officials also worry that the measure Boehner is promoting could upend decades of carefully built alliances among farmers, water agencies, environmentalists, fishing communities and others that are the backbone of the state's water system.

"What they are doing does not serve a purpose," said state Natural Resources Secretary John Laird. "It's not as if we have water left to argue over. We need to triage."

"Some parts of the state are going to have to depend on the kindness of other parts of the state" to get water for their most basic needs, Laird said. "This is not the time to start a fight."

For Boehner and his allies, however, those complexities may be beside the point. As Democrats struggle to explain the myriad policies, contracts and stakeholder agreements that have left the state unprepared to deal with a historic dry spell, Republicans are offering simpler explanations that appeal to the inland voters they covet.

"The Man-Made California Drought" is the title of a Web page devoted to water at the [House Committee on Natural Resources'](#) site. It prominently features clips from "The Valley Hope Forgot," a multipart harangue against California water policy by the Fox network's Sean Hannity.

Nunes, who stood alongside Boehner in Bakersfield, brushes aside Laird's advice to avoid a fight.

"Laird and the others are all disciples of the NRDC and Sierra Club," said the congressman, referring to the National Resources Defense Council and the environmental group founded by conservationist John Muir. "They sit in San Francisco drinking \$500 bottles of wine, and they want us out of production."

Nunes, who once brought a bowl of fish to a hearing to make the point that they are treated better than farmers, accepts that pumping more water to farms right now may not be feasible. But the Republican proposal stipulates the pumping would start once water levels are high enough.

"The people who built the water system designed it to withstand a five-year drought," he said. "But we have just been letting water go."

And at least some Democrats are taking no chances. Shortly after Boehner's visit, Costa signaled he planned to sign on to the Republican effort.

His reelection could hinge on it.

<http://www.latimes.com/nation/la-na-drought-politics-20140127,0,6322521.story#ixzz2rd16Ubry>

From: Tom Birmingham

Sent: Monday, January 27, 2014 12:51 PM

To: 'Joe Findaro'

CC: 'David Bernhardt'; 'Cardoza, Dennis'; 'Denny Rehberg'

Subject: Letter in Support of Lucas Proposal

Attachments: Microsoft_Word_-_Ltr_in_Support_of_Lucas_Amendment(kclark-108).pdf

Joe,

Please have someone deliver the attached letter to the offices of Senator Stabenow, Senator Lucas, and Representative Peterson at your earliest convenience. I am informed by Johnny Amaral that time is urgent.

Thank you,

Tom



Westlands Water District

3130 N. Fresno Street, P.O. Box 6056, Fresno, California 93703-6056, (559) 224-1523, FAX (559) 241-6277

January 27, 2014

The Honorable Debbie Stabenow
United States Senate
133 Hart Senate Office Building
Washington, DC 20510

The Honorable Collin Peterson
United States House of Representatives
2211 Rayburn HOB
Washington, DC 20515

The Honorable Thad Cochran
United States Senate
113 Dirksen Senate Office Building
Washington, D.C. 20510-2402

RE: Support for Lucas California Drought Language

Dear Senators Stabenow and Cochran and Representative Peterson:

I am writing on behalf of Westlands Water District to urge you to support language proposed by Chairman Frank Lucas for inclusion in the Farm Bill conference report. This language is intended to ameliorate the water supply crisis that is currently being experienced in the State of California.

As you are undoubtedly aware, California is in the midst of an unprecedented drought. Last year was the driest calendar year on record in California, and every region of the state is experiencing severe water supply shortages. The conditions in the San Joaquin Valley are particularly severe. Water agencies that receive water from the federal Central Valley Project under water service contracts with the United States will receive a zero percent allocation for the upcoming irrigation season. Water agencies that contract for the delivery of water from the California State Water Project have received a 5% allocation, but it is likely that this allocation will be reduced to zero in the immediate future. As a consequence, more than 500,000 acres of otherwise highly productive farmland will be fallowed, permanent crops will receive inadequate irrigation with concomitant reductions in yield or losses of permanent crops, and tens-of-thousands of farm workers will be unemployed. The socio-economic impacts of these jobs losses are unimaginable. In response to these conditions, on January 17, 2014, Governor Jerry Brown declared a drought state of emergency.

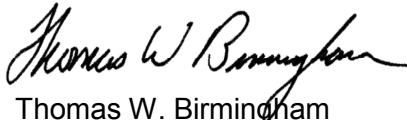
Ultimately, the State of California needs a long-term solution to its water supply issues. This solution will require the construction of new infrastructure, including dams and conveyance facilities, improved actions to protect listed or at risk aquatic species, and an enhanced environment in the Sacramento-San Joaquin Rivers Delta. However, the exigencies of the

The Honorable Debbie Stabenow
The Honorable Thad Cochran
The Honorable Collin Peterson
January 27, 2014

immediate crisis demand that water projects in California be in a position to capture water if, and we pray when, California experiences hydrologic events. The language introduced by Chairman Lucas would provide that opportunity, which is particularly critical for farmers and farm communities in the San Joaquin Valley that rely on water supplied by the federal Central Valley Project and the California State Water Project.

The language proposed by Chairman Lucas is temporary in nature and will only last for the duration of the existing emergency. Moreover, it will not affect actions taken by the State in response to Governor Brown's drought emergency declaration. Westlands Water District urges you to support inclusion of Chairman Lucas' proposed language in the Farm Bill.

Very truly yours,

A handwritten signature in black ink, reading "Thomas W. Birmingham". The signature is fluid and cursive, with the first name "Thomas" being the most prominent.

Thomas W. Birmingham
General Manager

cc: Chairman Frank Lucas
Senator Dianne Feinstein
Senator Barbara Boxer
Representative Kevin McCarthy
Representative Devin Nunes
Representative Jim Costa
Representative David Valadao

From: Karen Clark

Sent: Tuesday, January 28, 2014 5:10 PM

To: Alan Elias; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Cheryl Faunce; 'David Bernhardt'; Dennis Cardoza; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erica Woodward; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; Julie Minerva; MargaretAnn Corbett; 'Mike Burns'; Richard Costigan; 'Susan Ramos'

Subject: PR/Legislation Conference Call on February 7

All,

We will not have a conference call on February 7. Thanks!

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93710

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Bernhardt, David L.
Sent: Tuesday, January 28, 2014 7:23 PM
To: Thomas W. (Tom) Birmingham Esq.; Jason Peltier; Joseph T. Findaro
Subject: Fwd: Full SOTU as prepared for delivery

FYI

Subject: Full SOTU as prepared for delivery

FYI

THE WHITE HOUSE
Office of the Press Secretary

EMBARGOED UNTIL DELIVERY

January 28, 2014

**Remarks of President Barack Obama – As Prepared for Delivery
State of the Union Address
Tuesday, January 28, 2014
Washington, D.C.**

As Prepared for Delivery –

Mr. Speaker, Mr. Vice President, Members of Congress, my fellow Americans:

Today in America, a teacher spent extra time with a student who needed it, and did her part to lift America's graduation rate to its highest level in more than three decades.

An entrepreneur flipped on the lights in her tech startup, and did her part to add to the more than eight million new jobs our businesses have created over the past four years.

An autoworker fine-tuned some of the best, most fuel-efficient cars in the world, and did his part to help America wean itself off foreign oil.

A farmer prepared for the spring after the strongest five-year stretch of farm exports in our history. A rural doctor gave a young child the first prescription to treat asthma that his mother could afford. A man took the bus home from the graveyard shift, bone-tired but dreaming big dreams for his son. And in tight-knit communities across America, fathers and mothers will tuck in their kids, put an arm around their spouse, remember fallen comrades, and give thanks for being home from a war that, after twelve long years, is finally coming to an end.

Tonight, this chamber speaks with one voice to the people we represent: it is you, our citizens, who make the state of our union strong.

Here are the results of your efforts: The lowest unemployment rate in over five years. A rebounding housing market. A manufacturing sector that's adding jobs for the first time since the 1990s. More oil produced at home than we buy from the rest of the world – the first time that's happened in nearly twenty years. Our deficits – cut by more than half. And for the first time in over a decade, business leaders around the world have declared that China is no longer the world's number one place to invest; America is.

That's why I believe this can be a breakthrough year for America. After five years of grit and determined effort, the United States is better-positioned for the 21st century than any other nation on Earth.

The question for everyone in this chamber, running through every decision we make this year, is whether we are going to help or hinder this progress. For several years now, this town has been consumed by a rancorous argument over the proper size of the federal government. It's an important debate – one that dates back to our very founding. But when that debate prevents us from carrying out even the most basic functions of our democracy – when our differences shut down government or threaten the full faith and credit of the United States – then we are not doing right by the American people.

As President, I'm committed to making Washington work better, and rebuilding the trust of the people who sent us here. I believe most of you are, too. Last month, thanks to the work of Democrats and Republicans, this Congress finally produced a budget that undoes some of last year's severe cuts to priorities like education. Nobody got everything they wanted, and we can still do more to invest in this country's future while bringing down our deficit in a balanced way. But the budget compromise should leave us freer to focus on creating new jobs, not creating new crises.

In the coming months, let's see where else we can make progress together. Let's make this a year of action. That's what most Americans want – for all of us in this chamber to focus on their lives, their hopes, their aspirations. And what I believe unites the people of this nation, regardless of race or region or party, young or old, rich or poor, is the simple, profound belief in opportunity for all – the notion that if you work hard and take responsibility, you can get ahead.

Let's face it: that belief has suffered some serious blows. Over more than three decades, even before the Great Recession hit, massive shifts in technology and global competition had eliminated a lot of good, middle-class jobs, and weakened the economic foundations that families depend on.

Today, after four years of economic growth, corporate profits and stock prices have rarely been higher, and those at the top have never done better. But average wages have barely budged. Inequality has deepened. Upward mobility has stalled. The cold, hard fact is that even in the midst of recovery, too many Americans are working more than ever just to get by – let alone get ahead. And too many still aren't working at all.

Our job is to reverse these trends. It won't happen right away, and we won't agree on everything. But what I offer tonight is a set of concrete, practical proposals to speed up growth, strengthen the middle class, and build new ladders of opportunity into the middle class. Some require Congressional action, and I'm eager to work with all of you. But America does not stand still – and neither will I. So wherever and whenever I can take steps without legislation to expand opportunity for more American families, that's what I'm going to do.

As usual, our First Lady sets a good example. Michelle's Let's Move partnership with schools, businesses, and local leaders has helped bring down childhood obesity rates for the first time in thirty years – an achievement that will improve lives and reduce health care costs for decades to come. The Joining Forces alliance that Michelle and Jill Biden launched has already encouraged employers to hire or train nearly 400,000 veterans and military spouses. Taking a page from that playbook, the White House just organized a College Opportunity Summit where already, 150 universities, businesses, and nonprofits have made concrete commitments to reduce inequality in

access to higher education – and help every hardworking kid go to college and succeed when they get to campus. Across the country, we’re partnering with mayors, governors, and state legislatures on issues from homelessness to marriage equality.

The point is, there are millions of Americans outside Washington who are tired of stale political arguments, and are moving this country forward. They believe, and I believe, that here in America, our success should depend not on accident of birth, but the strength of our work ethic and the scope of our dreams. That’s what drew our forebears here. It’s how the daughter of a factory worker is CEO of America’s largest automaker; how the son of a barkeeper is Speaker of the House; how the son of a single mom can be President of the greatest nation on Earth.

Opportunity is who we are. And the defining project of our generation is to restore that promise.

We know where to start: the best measure of opportunity is access to a good job. With the economy picking up speed, companies say they intend to hire more people this year. And over half of big manufacturers say they’re thinking of insourcing jobs from abroad.

So let’s make that decision easier for more companies. Both Democrats and Republicans have argued that our tax code is riddled with wasteful, complicated loopholes that punish businesses investing here, and reward companies that keep profits abroad. Let’s flip that equation. Let’s work together to close those loopholes, end those incentives to ship jobs overseas, and lower tax rates for businesses that create jobs here at home.

Moreover, we can take the money we save with this transition to tax reform to create jobs rebuilding our roads, upgrading our ports, unclogging our commutes – because in today’s global economy, first-class jobs gravitate to first-class infrastructure. We’ll need Congress to protect more than three million jobs by finishing transportation and waterways bills this summer. But I will act on my own to slash bureaucracy and streamline the permitting process for key projects, so we can get more construction workers on the job as fast as possible.

We also have the chance, right now, to beat other countries in the race for the next wave of high-tech manufacturing jobs. My administration has launched two hubs for high-tech manufacturing in Raleigh and Youngstown, where we’ve connected businesses to research universities that can help America lead the world in advanced technologies. Tonight, I’m announcing we’ll launch six more this year. Bipartisan bills in both houses could double the number of these hubs and the jobs they create. So get those bills to my desk and put more Americans back to work.

Let’s do more to help the entrepreneurs and small business owners who create most new jobs in America. Over the past five years, my administration has made more loans to small business owners than any other. And when ninety-eight percent of our exporters are small businesses, new trade partnerships with Europe and the Asia-Pacific will help them create more jobs. We need to work together on tools like bipartisan trade promotion authority to protect our workers, protect our environment, and open new markets to new goods stamped “Made in the USA.” China and Europe aren’t standing on the sidelines. Neither should we.

We know that the nation that goes all-in on innovation today will own the global economy tomorrow. This is an edge America cannot surrender. Federally-funded research helped lead to the ideas and inventions behind Google and smartphones. That’s why Congress should undo the damage done by last year’s cuts to basic research so we can unleash the next great American discovery – whether it’s vaccines that stay ahead of drug-resistant bacteria, or paper-thin material that’s stronger than steel. And let’s pass a patent reform bill that allows our businesses to stay focused on innovation, not costly, needless litigation.

Now, one of the biggest factors in bringing more jobs back is our commitment to American energy. The all-of-the-above energy strategy I announced a few years ago is working, and today, America is closer to energy independence than we've been in decades.

One of the reasons why is natural gas – if extracted safely, it's the bridge fuel that can power our economy with less of the carbon pollution that causes climate change. Businesses plan to invest almost \$100 billion in new factories that use natural gas. I'll cut red tape to help states get those factories built, and this Congress can help by putting people to work building fueling stations that shift more cars and trucks from foreign oil to American natural gas. My administration will keep working with the industry to sustain production and job growth while strengthening protection of our air, our water, and our communities. And while we're at it, I'll use my authority to protect more of our pristine federal lands for future generations.

It's not just oil and natural gas production that's booming; we're becoming a global leader in solar, too. Every four minutes, another American home or business goes solar; every panel pounded into place by a worker whose job can't be outsourced. Let's continue that progress with a smarter tax policy that stops giving \$4 billion a year to fossil fuel industries that don't need it, so that we can invest more in fuels of the future that do.

And even as we've increased energy production, we've partnered with businesses, builders, and local communities to reduce the energy we consume. When we rescued our automakers, for example, we worked with them to set higher fuel efficiency standards for our cars. In the coming months, I'll build on that success by setting new standards for our trucks, so we can keep driving down oil imports and what we pay at the pump.

Taken together, our energy policy is creating jobs and leading to a cleaner, safer planet. Over the past eight years, the United States has reduced our total carbon pollution more than any other nation on Earth. But we have to act with more urgency – because a changing climate is already harming western communities struggling with drought, and coastal cities dealing with floods. That's why I directed my administration to work with states, utilities, and others to set new standards on the amount of carbon pollution our power plants are allowed to dump into the air. The shift to a cleaner energy economy won't happen overnight, and it will require tough choices along the way. But the debate is settled. Climate change is a fact. And when our children's children look us in the eye and ask if we did all we could to leave them a safer, more stable world, with new sources of energy, I want us to be able to say yes, we did.

Finally, if we are serious about economic growth, it is time to heed the call of business leaders, labor leaders, faith leaders, and law enforcement – and fix our broken immigration system. Republicans and Democrats in the Senate have acted. I know that members of both parties in the House want to do the same. Independent economists say immigration reform will grow our economy and shrink our deficits by almost \$1 trillion in the next two decades. And for good reason: when people come here to fulfill their dreams – to study, invent, and contribute to our culture – they make our country a more attractive place for businesses to locate and create jobs for everyone. So let's get immigration reform done this year.

The ideas I've outlined so far can speed up growth and create more jobs. But in this rapidly-changing economy, we have to make sure that every American has the skills to fill those jobs.

The good news is, we know how to do it. Two years ago, as the auto industry came roaring back, Andra Rush opened up a manufacturing firm in Detroit. She knew that Ford needed parts for the best-selling truck in America, and she knew how to make them. She just needed the

workforce. So she dialed up what we call an American Job Center – places where folks can walk in to get the help or training they need to find a new job, or better job. She was flooded with new workers. And today, Detroit Manufacturing Systems has more than 700 employees.

What Andra and her employees experienced is how it should be for every employer – and every job seeker. So tonight, I've asked Vice President Biden to lead an across-the-board reform of America's training programs to make sure they have one mission: train Americans with the skills employers need, and match them to good jobs that need to be filled right now. That means more on-the-job training, and more apprenticeships that set a young worker on an upward trajectory for life. It means connecting companies to community colleges that can help design training to fill their specific needs. And if Congress wants to help, you can concentrate funding on proven programs that connect more ready-to-work Americans with ready-to-be-filled jobs.

I'm also convinced we can help Americans return to the workforce faster by reforming unemployment insurance so that it's more effective in today's economy. But first, this Congress needs to restore the unemployment insurance you just let expire for 1.6 million people.

Let me tell you why.

Misty DeMars is a mother of two young boys. She'd been steadily employed since she was a teenager. She put herself through college. She'd never collected unemployment benefits. In May, she and her husband used their life savings to buy their first home. A week later, budget cuts claimed the job she loved. Last month, when their unemployment insurance was cut off, she sat down and wrote me a letter – the kind I get every day. “We are the face of the unemployment crisis,” she wrote. “I am not dependent on the government...Our country depends on people like us who build careers, contribute to society...care about our neighbors...I am confident that in time I will find a job...I will pay my taxes, and we will raise our children in their own home in the community we love. Please give us this chance.”

Congress, give these hardworking, responsible Americans that chance. They need our help, but more important, this country needs them in the game. That's why I've been asking CEOs to give more long-term unemployed workers a fair shot at that new job and new chance to support their families; this week, many will come to the White House to make that commitment real. Tonight, I ask every business leader in America to join us and to do the same – because we are stronger when America fields a full team.

Of course, it's not enough to train today's workforce. We also have to prepare tomorrow's workforce, by guaranteeing every child access to a world-class education.

Estiven Rodriguez couldn't speak a word of English when he moved to New York City at age nine. But last month, thanks to the support of great teachers and an innovative tutoring program, he led a march of his classmates – through a crowd of cheering parents and neighbors – from their high school to the post office, where they mailed off their college applications. And this son of a factory worker just found out he's going to college this fall.

Five years ago, we set out to change the odds for all our kids. We worked with lenders to reform student loans, and today, more young people are earning college degrees than ever before. Race to the Top, with the help of governors from both parties, has helped states raise expectations and performance. Teachers and principals in schools from Tennessee to Washington, D.C. are making big strides in preparing students with skills for the new economy – problem solving, critical thinking, science, technology, engineering, and math. Some of this change is hard. It requires everything from more challenging curriculums and more demanding parents to better

support for teachers and new ways to measure how well our kids think, not how well they can fill in a bubble on a test. But it's worth it – and it's working.

The problem is we're still not reaching enough kids, and we're not reaching them in time. That has to change.

Research shows that one of the best investments we can make in a child's life is high-quality early education. Last year, I asked this Congress to help states make high-quality pre-K available to every four year-old. As a parent as well as a President, I repeat that request tonight. But in the meantime, thirty states have raised pre-k funding on their own. They know we can't wait. So just as we worked with states to reform our schools, this year, we'll invest in new partnerships with states and communities across the country in a race to the top for our youngest children. And as Congress decides what it's going to do, I'm going to pull together a coalition of elected officials, business leaders, and philanthropists willing to help more kids access the high-quality pre-K they need.

Last year, I also pledged to connect 99 percent of our students to high-speed broadband over the next four years. Tonight, I can announce that with the support of the FCC and companies like Apple, Microsoft, Sprint, and Verizon, we've got a down payment to start connecting more than 15,000 schools and twenty million students over the next two years, without adding a dime to the deficit.

We're working to redesign high schools and partner them with colleges and employers that offer the real-world education and hands-on training that can lead directly to a job and career. We're shaking up our system of higher education to give parents more information, and colleges more incentives to offer better value, so that no middle-class kid is priced out of a college education. We're offering millions the opportunity to cap their monthly student loan payments to ten percent of their income, and I want to work with Congress to see how we can help even more Americans who feel trapped by student loan debt. And I'm reaching out to some of America's leading foundations and corporations on a new initiative to help more young men of color facing tough odds stay on track and reach their full potential.

The bottom line is, Michelle and I want every child to have the same chance this country gave us. But we know our opportunity agenda won't be complete – and too many young people entering the workforce today will see the American Dream as an empty promise – unless we do more to make sure our economy honors the dignity of work, and hard work pays off for every single American.

Today, women make up about half our workforce. But they still make 77 cents for every dollar a man earns. That is wrong, and in 2014, it's an embarrassment. A woman deserves equal pay for equal work. She deserves to have a baby without sacrificing her job. A mother deserves a day off to care for a sick child or sick parent without running into hardship – and you know what, a father does, too. It's time to do away with workplace policies that belong in a "Mad Men" episode. This year, let's all come together – Congress, the White House, and businesses from Wall Street to Main Street – to give every woman the opportunity she deserves. Because I firmly believe when women succeed, America succeeds.

Now, women hold a majority of lower-wage jobs – but they're not the only ones stifled by stagnant wages. Americans understand that some people will earn more than others, and we don't resent those who, by virtue of their efforts, achieve incredible success. But Americans overwhelmingly agree that no one who works full time should ever have to raise a family in poverty.

In the year since I asked this Congress to raise the minimum wage, five states have passed laws to raise theirs. Many businesses have done it on their own. Nick Chute is here tonight with his boss, John Soranno. John's an owner of Punch Pizza in Minneapolis, and Nick helps make the dough. Only now he makes more of it: John just gave his employees a raise, to ten bucks an hour – a decision that eased their financial stress and boosted their morale.

Tonight, I ask more of America's business leaders to follow John's lead and do what you can to raise your employees' wages. To every mayor, governor, and state legislator in America, I say, you don't have to wait for Congress to act; Americans will support you if you take this on. And as a chief executive, I intend to lead by example. Profitable corporations like Costco see higher wages as the smart way to boost productivity and reduce turnover. We should too. In the coming weeks, I will issue an Executive Order requiring federal contractors to pay their federally-funded employees a fair wage of at least \$10.10 an hour – because if you cook our troops' meals or wash their dishes, you shouldn't have to live in poverty.

Of course, to reach millions more, Congress needs to get on board. Today, the federal minimum wage is worth about twenty percent less than it was when Ronald Reagan first stood here. Tom Harkin and George Miller have a bill to fix that by lifting the minimum wage to \$10.10. This will help families. It will give businesses customers with more money to spend. It doesn't involve any new bureaucratic program. So join the rest of the country. Say yes. Give America a raise.

There are other steps we can take to help families make ends meet, and few are more effective at reducing inequality and helping families pull themselves up through hard work than the Earned Income Tax Credit. Right now, it helps about half of all parents at some point. But I agree with Republicans like Senator Rubio that it doesn't do enough for single workers who don't have kids. So let's work together to strengthen the credit, reward work, and help more Americans get ahead.

Let's do more to help Americans save for retirement. Today, most workers don't have a pension. A Social Security check often isn't enough on its own. And while the stock market has doubled over the last five years, that doesn't help folks who don't have 401ks. That's why, tomorrow, I will direct the Treasury to create a new way for working Americans to start their own retirement savings: MyRA. It's a new savings bond that encourages folks to build a nest egg. MyRA guarantees a decent return with no risk of losing what you put in. And if this Congress wants to help, work with me to fix an upside-down tax code that gives big tax breaks to help the wealthy save, but does little to nothing for middle-class Americans. Offer every American access to an automatic IRA on the job, so they can save at work just like everyone in this chamber can. And since the most important investment many families make is their home, send me legislation that protects taxpayers from footing the bill for a housing crisis ever again, and keeps the dream of homeownership alive for future generations of Americans.

One last point on financial security. For decades, few things exposed hard-working families to economic hardship more than a broken health care system. And in case you haven't heard, we're in the process of fixing that.

A pre-existing condition used to mean that someone like Amanda Shelley, a physician assistant and single mom from Arizona, couldn't get health insurance. But on January 1st, she got covered. On January 3rd, she felt a sharp pain. On January 6th, she had emergency surgery. Just one week earlier, Amanda said, that surgery would've meant bankruptcy.

That's what health insurance reform is all about – the peace of mind that if misfortune strikes, you don't have to lose everything.

Already, because of the Affordable Care Act, more than three million Americans under age 26 have gained coverage under their parents' plans.

More than nine million Americans have signed up for private health insurance or Medicaid coverage.

And here's another number: zero. Because of this law, no American can ever again be dropped or denied coverage for a preexisting condition like asthma, back pain, or cancer. No woman can ever be charged more just because she's a woman. And we did all this while adding years to Medicare's finances, keeping Medicare premiums flat, and lowering prescription costs for millions of seniors.

Now, I don't expect to convince my Republican friends on the merits of this law. But I know that the American people aren't interested in refighting old battles. So again, if you have specific plans to cut costs, cover more people, and increase choice – tell America what you'd do differently. Let's see if the numbers add up. But let's not have another forty-something votes to repeal a law that's already helping millions of Americans like Amanda. The first forty were plenty. We got it. We all owe it to the American people to say what we're for, not just what we're against.

And if you want to know the real impact this law is having, just talk to Governor Steve Beshear of Kentucky, who's here tonight. Kentucky's not the most liberal part of the country, but he's like a man possessed when it comes to covering his commonwealth's families. "They are our friends and neighbors," he said. "They are people we shop and go to church with...farmers out on the tractors...grocery clerks...they are people who go to work every morning praying they don't get sick. No one deserves to live that way."

Steve's right. That's why, tonight, I ask every American who knows someone without health insurance to help them get covered by [March 31st](#). Moms, get on your kids to sign up. Kids, call your mom and walk her through the application. It will give her some peace of mind – plus, she'll appreciate hearing from you.

After all, that's the spirit that has always moved this nation forward. It's the spirit of citizenship – the recognition that through hard work and responsibility, we can pursue our individual dreams, but still come together as one American family to make sure the next generation can pursue its dreams as well.

Citizenship means standing up for everyone's right to vote. Last year, part of the Voting Rights Act was weakened. But conservative Republicans and liberal Democrats are working together to strengthen it; and the bipartisan commission I appointed last year has offered reforms so that no one has to wait more than a half hour to vote. Let's support these efforts. It should be the power of our vote, not the size of our bank account, that drives our democracy.

Citizenship means standing up for the lives that gun violence steals from us each day. I have seen the courage of parents, students, pastors, and police officers all over this country who say "we are not afraid," and I intend to keep trying, with or without Congress, to help stop more tragedies from visiting innocent Americans in our movie theaters, shopping malls, or schools like Sandy Hook.

Citizenship demands a sense of common cause; participation in the hard work of self-government; an obligation to serve to our communities. And I know this chamber agrees that few Americans give more to their country than our diplomats and the men and women of the United States Armed Forces.

Tonight, because of the extraordinary troops and civilians who risk and lay down their lives to keep us free, the United States is more secure. When I took office, nearly 180,000 Americans were serving in Iraq and Afghanistan. Today, all our troops are out of Iraq. More than 60,000 of our troops have already come home from Afghanistan. With Afghan forces now in the lead for their own security, our troops have moved to a support role. Together with our allies, we will complete our mission there by the end of this year, and America's longest war will finally be over.

After 2014, we will support a unified Afghanistan as it takes responsibility for its own future. If the Afghan government signs a security agreement that we have negotiated, a small force of Americans could remain in Afghanistan with NATO allies to carry out two narrow missions: training and assisting Afghan forces, and counterterrorism operations to pursue any remnants of al Qaeda. For while our relationship with Afghanistan will change, one thing will not: our resolve that terrorists do not launch attacks against our country.

The fact is, that danger remains. While we have put al Qaeda's core leadership on a path to defeat, the threat has evolved, as al Qaeda affiliates and other extremists take root in different parts of the world. In Yemen, Somalia, Iraq, and Mali, we have to keep working with partners to disrupt and disable these networks. In Syria, we'll support the opposition that rejects the agenda of terrorist networks. Here at home, we'll keep strengthening our defenses, and combat new threats like cyberattacks. And as we reform our defense budget, we have to keep faith with our men and women in uniform, and invest in the capabilities they need to succeed in future missions.

We have to remain vigilant. But I strongly believe our leadership and our security cannot depend on our military alone. As Commander-in-Chief, I have used force when needed to protect the American people, and I will never hesitate to do so as long as I hold this office. But I will not send our troops into harm's way unless it's truly necessary; nor will I allow our sons and daughters to be mired in open-ended conflicts. We must fight the battles that need to be fought, not those that terrorists prefer from us – large-scale deployments that drain our strength and may ultimately feed extremism.

So, even as we aggressively pursue terrorist networks – through more targeted efforts and by building the capacity of our foreign partners – America must move off a permanent war footing. That's why I've imposed prudent limits on the use of drones – for we will not be safer if people abroad believe we strike within their countries without regard for the consequence. That's why, working with this Congress, I will reform our surveillance programs – because the vital work of our intelligence community depends on public confidence, here and abroad, that the privacy of ordinary people is not being violated. And with the Afghan war ending, this needs to be the year Congress lifts the remaining restrictions on detainee transfers and we close the prison at Guantanamo Bay – because we counter terrorism not just through intelligence and military action, but by remaining true to our Constitutional ideals, and setting an example for the rest of the world.

You see, in a world of complex threats, our security and leadership depends on all elements of our power – including strong and principled diplomacy. American diplomacy has rallied more than fifty countries to prevent nuclear materials from falling into the wrong hands, and allowed

us to reduce our own reliance on Cold War stockpiles. American diplomacy, backed by the threat of force, is why Syria's chemical weapons are being eliminated, and we will continue to work with the international community to usher in the future the Syrian people deserve – a future free of dictatorship, terror and fear. As we speak, American diplomacy is supporting Israelis and Palestinians as they engage in difficult but necessary talks to end the conflict there; to achieve dignity and an independent state for Palestinians, and lasting peace and security for the State of Israel – a Jewish state that knows America will always be at their side.

And it is American diplomacy, backed by pressure, that has halted the progress of Iran's nuclear program – and rolled parts of that program back – for the very first time in a decade. As we gather here tonight, Iran has begun to eliminate its stockpile of higher levels of enriched uranium. It is not installing advanced centrifuges. Unprecedented inspections help the world verify, every day, that Iran is not building a bomb. And with our allies and partners, we're engaged in negotiations to see if we can peacefully achieve a goal we all share: preventing Iran from obtaining a nuclear weapon.

These negotiations will be difficult. They may not succeed. We are clear-eyed about Iran's support for terrorist organizations like Hezbollah, which threaten our allies; and the mistrust between our nations cannot be wished away. But these negotiations do not rely on trust; any long-term deal we agree to must be based on verifiable action that convinces us and the international community that Iran is not building a nuclear bomb. If John F. Kennedy and Ronald Reagan could negotiate with the Soviet Union, then surely a strong and confident America can negotiate with less powerful adversaries today.

The sanctions that we put in place helped make this opportunity possible. But let me be clear: if this Congress sends me a new sanctions bill now that threatens to derail these talks, I will veto it. For the sake of our national security, we must give diplomacy a chance to succeed. If Iran's leaders do not seize this opportunity, then I will be the first to call for more sanctions, and stand ready to exercise all options to make sure Iran does not build a nuclear weapon. But if Iran's leaders do seize the chance, then Iran could take an important step to rejoin the community of nations, and we will have resolved one of the leading security challenges of our time without the risks of war.

Finally, let's remember that our leadership is defined not just by our defense against threats, but by the enormous opportunities to do good and promote understanding around the globe – to forge greater cooperation, to expand new markets, to free people from fear and want. And no one is better positioned to take advantage of those opportunities than America.

Our alliance with Europe remains the strongest the world has ever known. From Tunisia to Burma, we're supporting those who are willing to do the hard work of building democracy. In Ukraine, we stand for the principle that all people have the right to express themselves freely and peacefully, and have a say in their country's future. Across Africa, we're bringing together businesses and governments to double access to electricity and help end extreme poverty. In the Americas, we are building new ties of commerce, but we're also expanding cultural and educational exchanges among young people. And we will continue to focus on the Asia-Pacific, where we support our allies, shape a future of greater security and prosperity, and extend a hand to those devastated by disaster – as we did in the Philippines, when our Marines and civilians rushed to aid those battered by a typhoon, and were greeted with words like, "We will never forget your kindness" and "God bless America!"

We do these things because they help promote our long-term security. And we do them because we believe in the inherent dignity and equality of every human being, regardless of race or

religion, creed or sexual orientation. And next week, the world will see one expression of that commitment – when Team USA marches the red, white, and blue into the Olympic Stadium – and brings home the gold.

My fellow Americans, no other country in the world does what we do. On every issue, the world turns to us, not simply because of the size of our economy or our military might – but because of the ideals we stand for, and the burdens we bear to advance them.

No one knows this better than those who serve in uniform. As this time of war draws to a close, a new generation of heroes returns to civilian life. We'll keep slashing that backlog so our veterans receive the benefits they've earned, and our wounded warriors receive the health care – including the mental health care – that they need. We'll keep working to help all our veterans translate their skills and leadership into jobs here at home. And we all continue to join forces to honor and support our remarkable military families.

Let me tell you about one of those families I've come to know.

I first met Cory Remsburg, a proud Army Ranger, at Omaha Beach on the 65th anniversary of D-Day. Along with some of his fellow Rangers, he walked me through the program – a strong, impressive young man, with an easy manner, sharp as a tack. We joked around, and took pictures, and I told him to stay in touch.

A few months later, on his tenth deployment, Cory was nearly killed by a massive roadside bomb in Afghanistan. His comrades found him in a canal, face down, underwater, shrapnel in his brain.

For months, he lay in a coma. The next time I met him, in the hospital, he couldn't speak; he could barely move. Over the years, he's endured dozens of surgeries and procedures, and hours of grueling rehab every day.

Even now, Cory is still blind in one eye. He still struggles on his left side. But slowly, steadily, with the support of caregivers like his dad Craig, and the community around him, Cory has grown stronger. Day by day, he's learned to speak again and stand again and walk again – and he's working toward the day when he can serve his country again.

"My recovery has not been easy," he says. "Nothing in life that's worth anything is easy."

Cory is here tonight. And like the Army he loves, like the America he serves, Sergeant First Class Cory Remsburg never gives up, and he does not quit.

My fellow Americans, men and women like Cory remind us that America has never come easy. Our freedom, our democracy, has never been easy. Sometimes we stumble; we make mistakes; we get frustrated or discouraged. But for more than two hundred years, we have put those things aside and placed our collective shoulder to the wheel of progress – to create and build and expand the possibilities of individual achievement; to free other nations from tyranny and fear; to promote justice, and fairness, and equality under the law, so that the words set to paper by our founders are made real for every citizen. The America we want for our kids – a rising America where honest work is plentiful and communities are strong; where prosperity is widely shared and opportunity for all lets us go as far as our dreams and toil will take us – none of it is easy. But if we work together; if we summon what is best in us, with our feet planted firmly in today but our eyes cast towards tomorrow – I know it's within our reach.

Believe it.

God bless you, and God bless the United States of America.

###

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From: Jason Peltier

Sent: Wednesday, January 29, 2014 1:10 PM

To: 'Karen Clark'; 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erica Woodward'; 'Erick Mullen'; 'Gayle Holman'; 'Joe Findaro'; 'Julie Minerva'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Richard Costigan'; 'Susan Ramos'; 'Tony Coelho'; T Birmingham (tbirmingham@westlandswater.org)

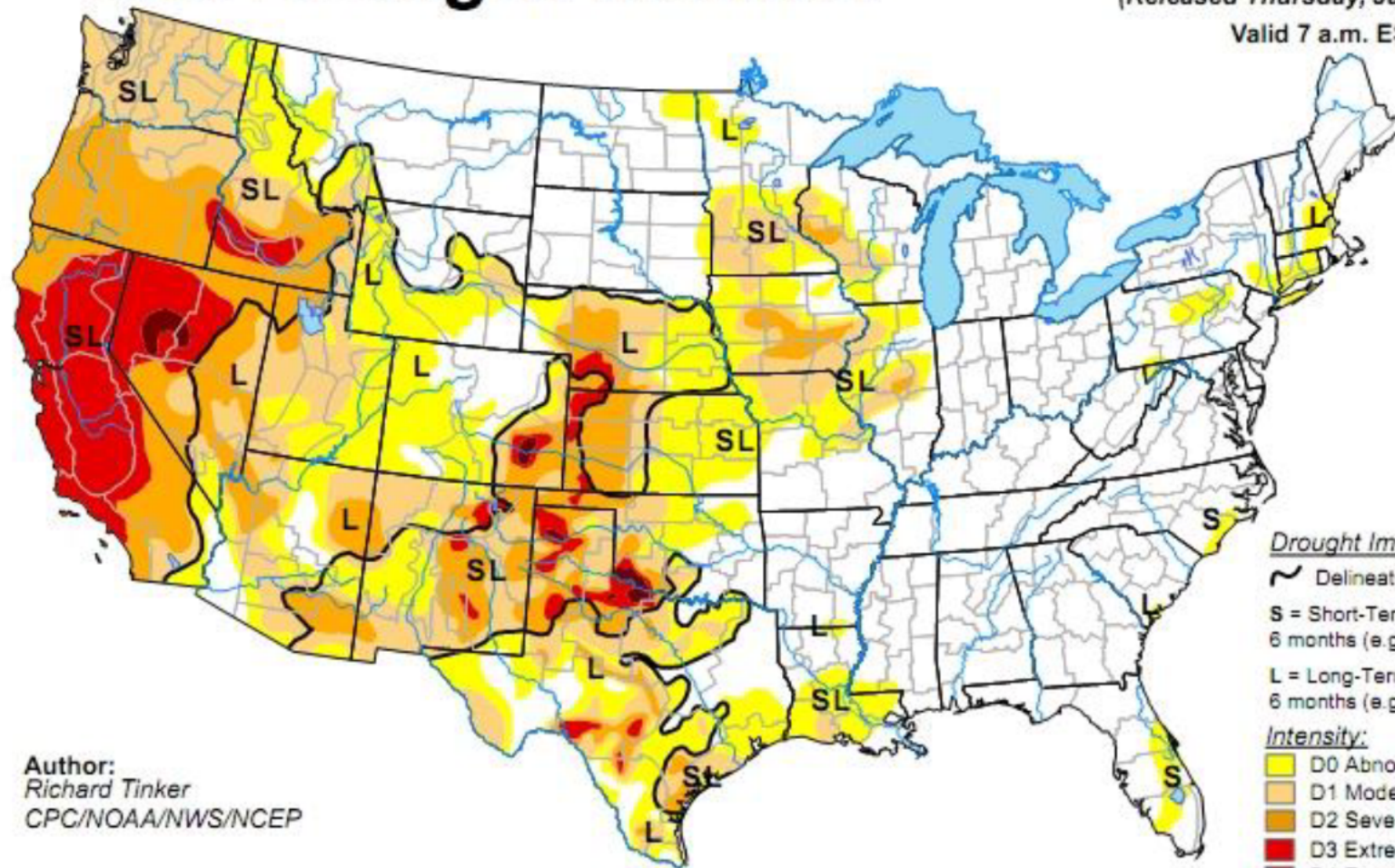
Subject: Drought presentation attached

Attachments: PPT Jan 2014 Drought Update smaller.pdf

If you would like it in PowerPoint format [rather than pdf] just ask.

U.S. Drought Monitor

January 21, 2014
(Released Thursday, Jan. 23, 2014)
Valid 7 a.m. EST



Author:
Richard Tinker
CPC/NOAA/NWS/NCEP

Drought Impact Types:

~ Delineates dominant impacts

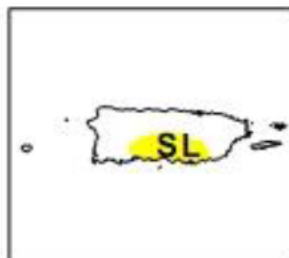
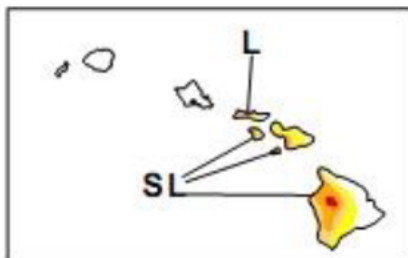
S = Short-Term, typically less than 6 months (e.g. agriculture, grasslands)

L = Long-Term, typically greater than 6 months (e.g. hydrology, ecology)

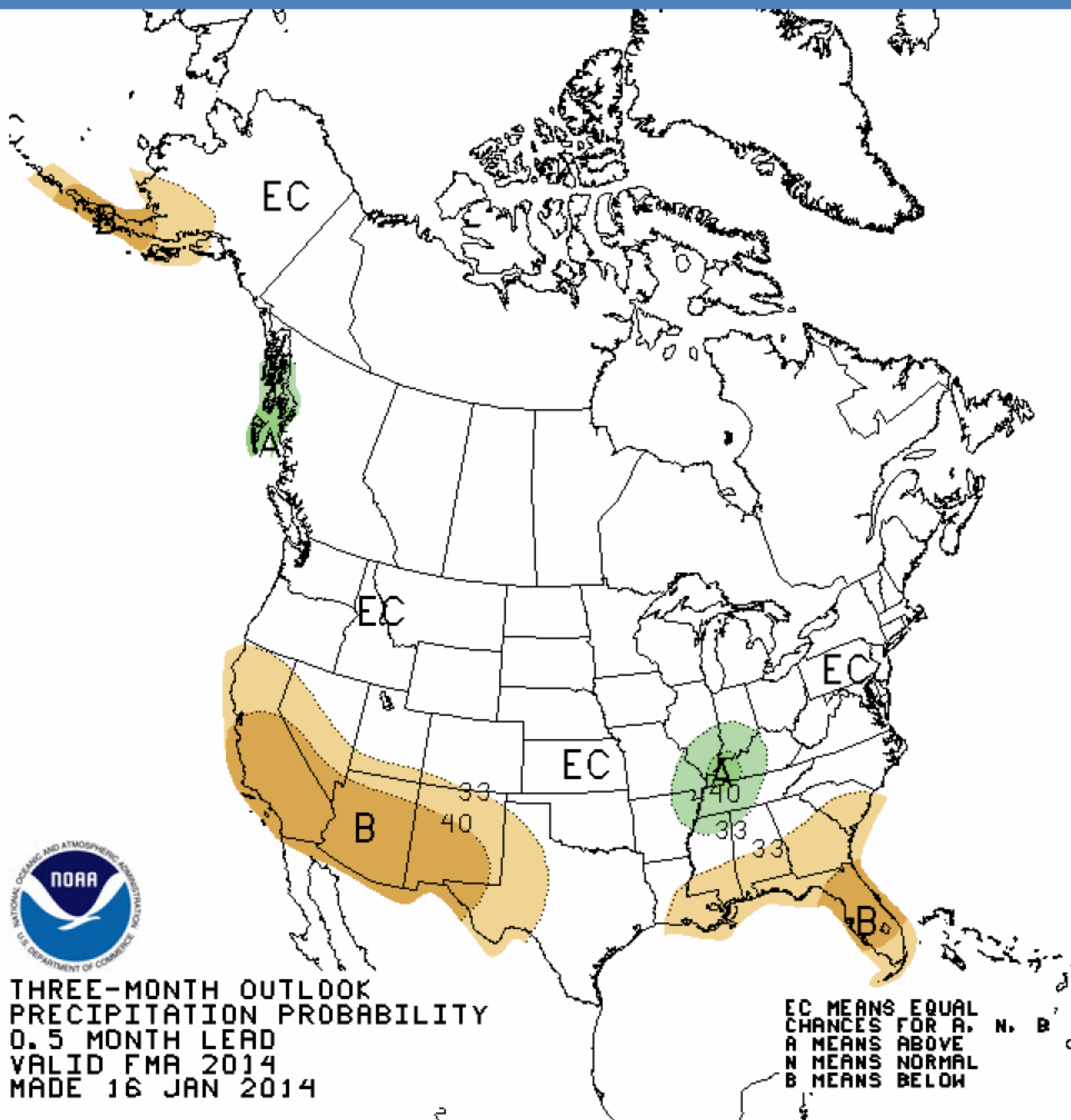
Intensity:

- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.



<http://droughtmonitor.unl.edu/>



Major Water Projects

💧 Federal – Central Valley Project (CVP)

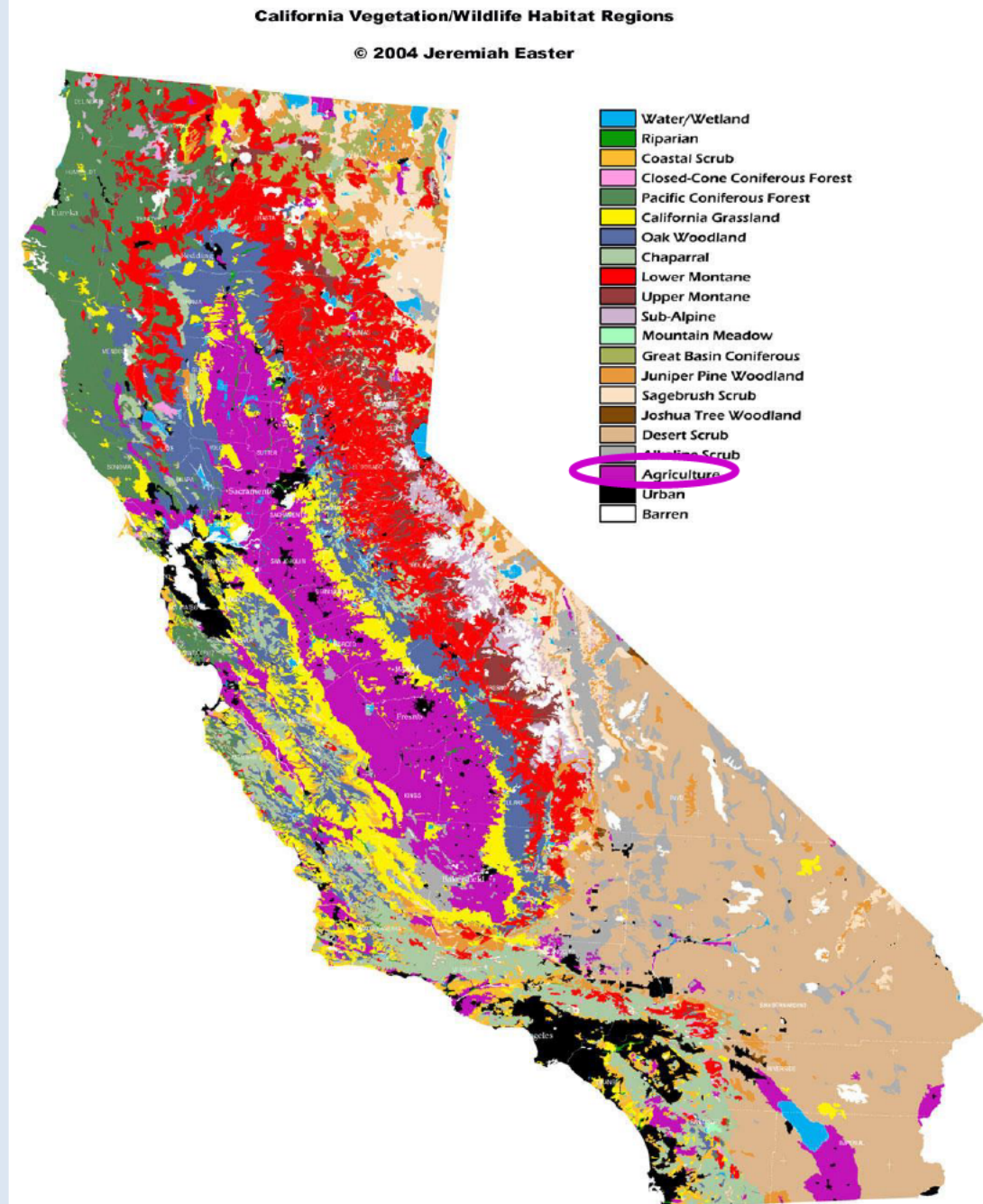
💧 State – State Water Project (SWP)

💧 Local – Many smaller projects throughout state



California has a variety of climate and land use zones

- Natural diversity allows diverse agriculture to thrive
- A relatively small share of the total land mass is suitable for high-productivity irrigated crops

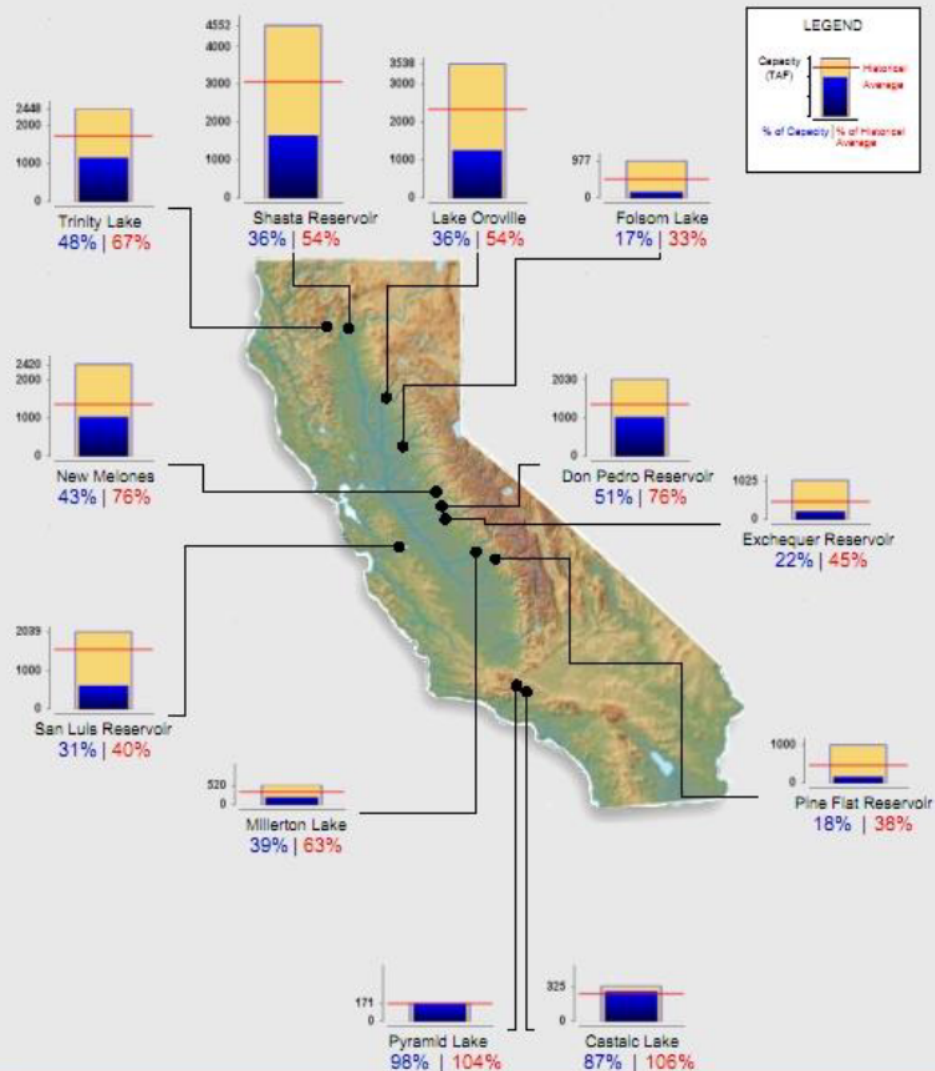




Reservoir Conditions

Ending At Midnight - January 23, 2014

CURRENT RESERVOIR CONDITIONS



Graph Updated 01/24/2014 04:45 PM

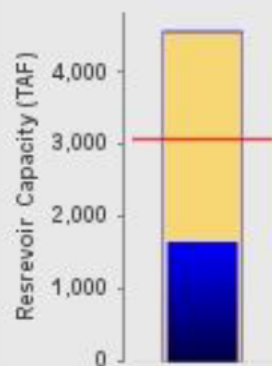


Reservoir Conditions - Shasta Reservoir



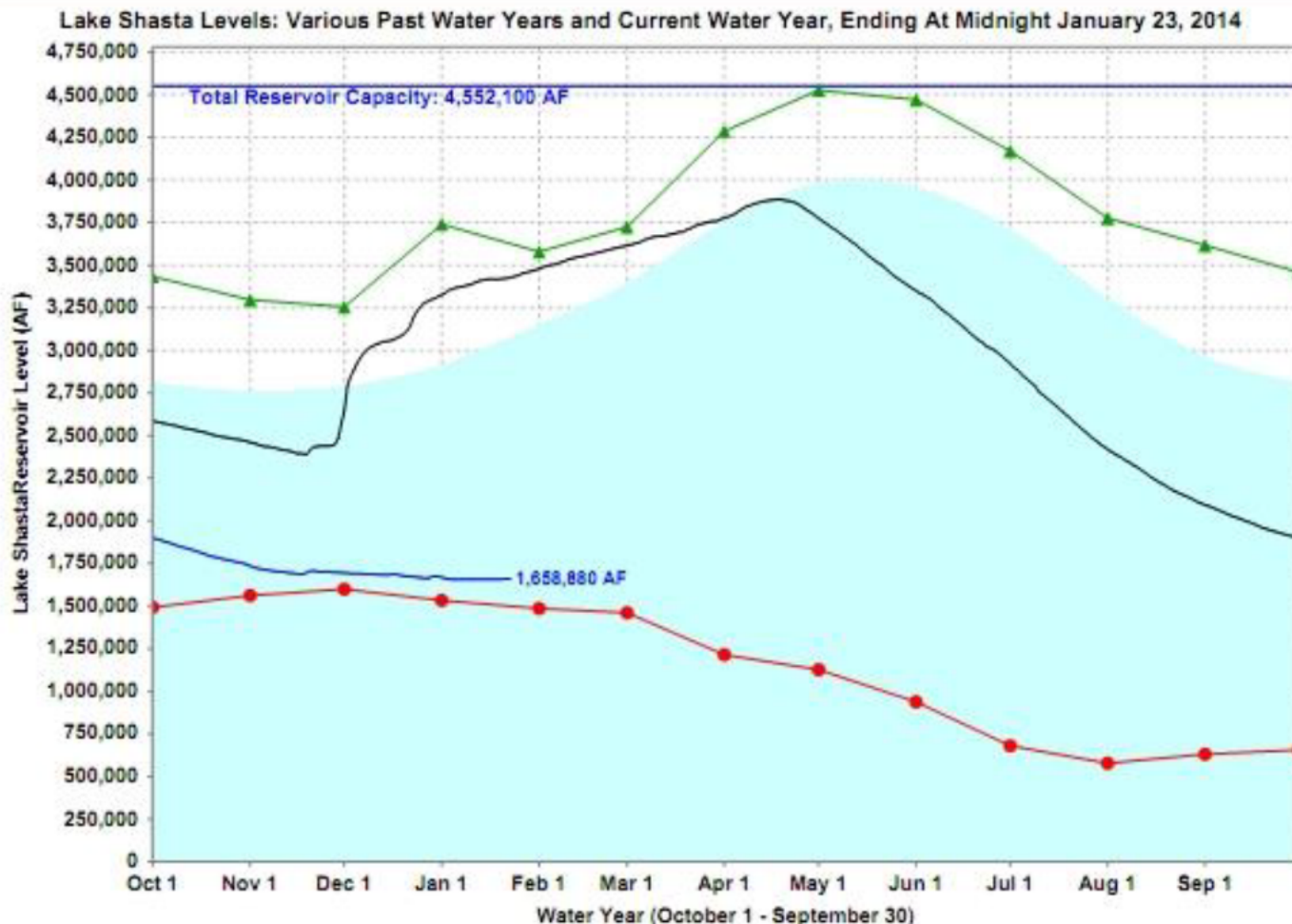
Lake Shasta Conditions

(as of Midnight • January 23, 2014)



Current Level: 1,658,880 AF

36% (Total Capacity) | 54% (Historical Avg.)



Historical Average — Total Reservoir Capacity — 1976-1977 (Driest) — 1982-1983 (Wettest) — 2012-2013 — Current: 2013-2014

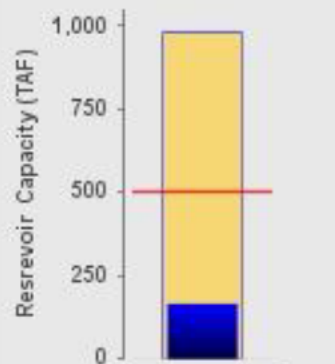


Reservoir Conditions - Folsom Lake



Folsom Lake Conditions

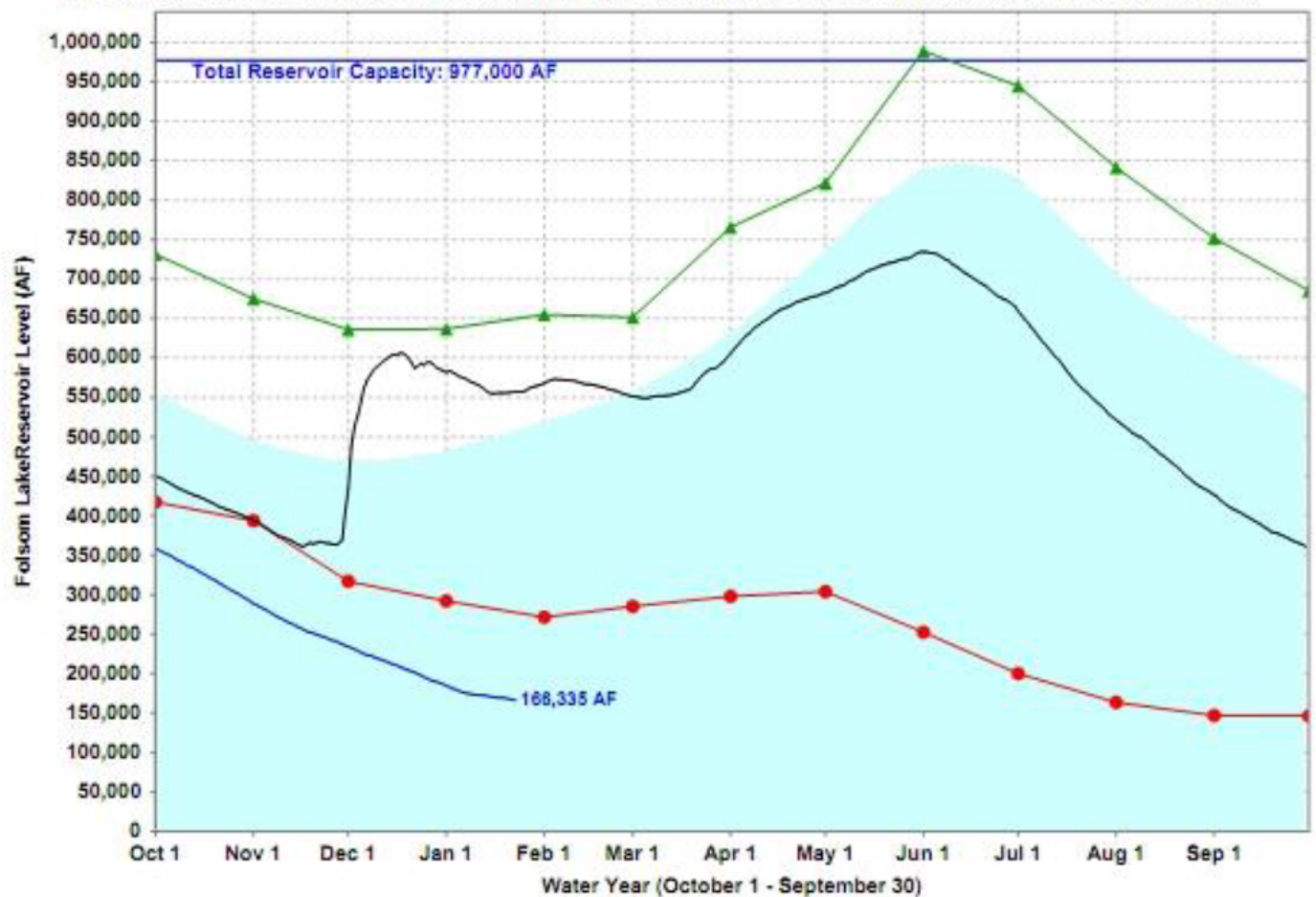
(as of Midnight • January 23, 2014)



Current Level: 166,335 AF

17% (Total Capacity) | 33% (Historical Avg.)

Folsom Lake Levels: Various Past Water Years and Current Water Year, Ending At Midnight January 23, 2014



Historical Average — Total Reservoir Capacity — 1976-1977 (Driest) — 1982-1983 (Wettest) — 2012-2013 — Current: 2013-2014

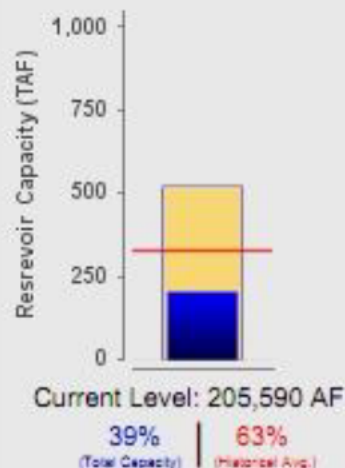


Reservoir Conditions - Millerton Lake

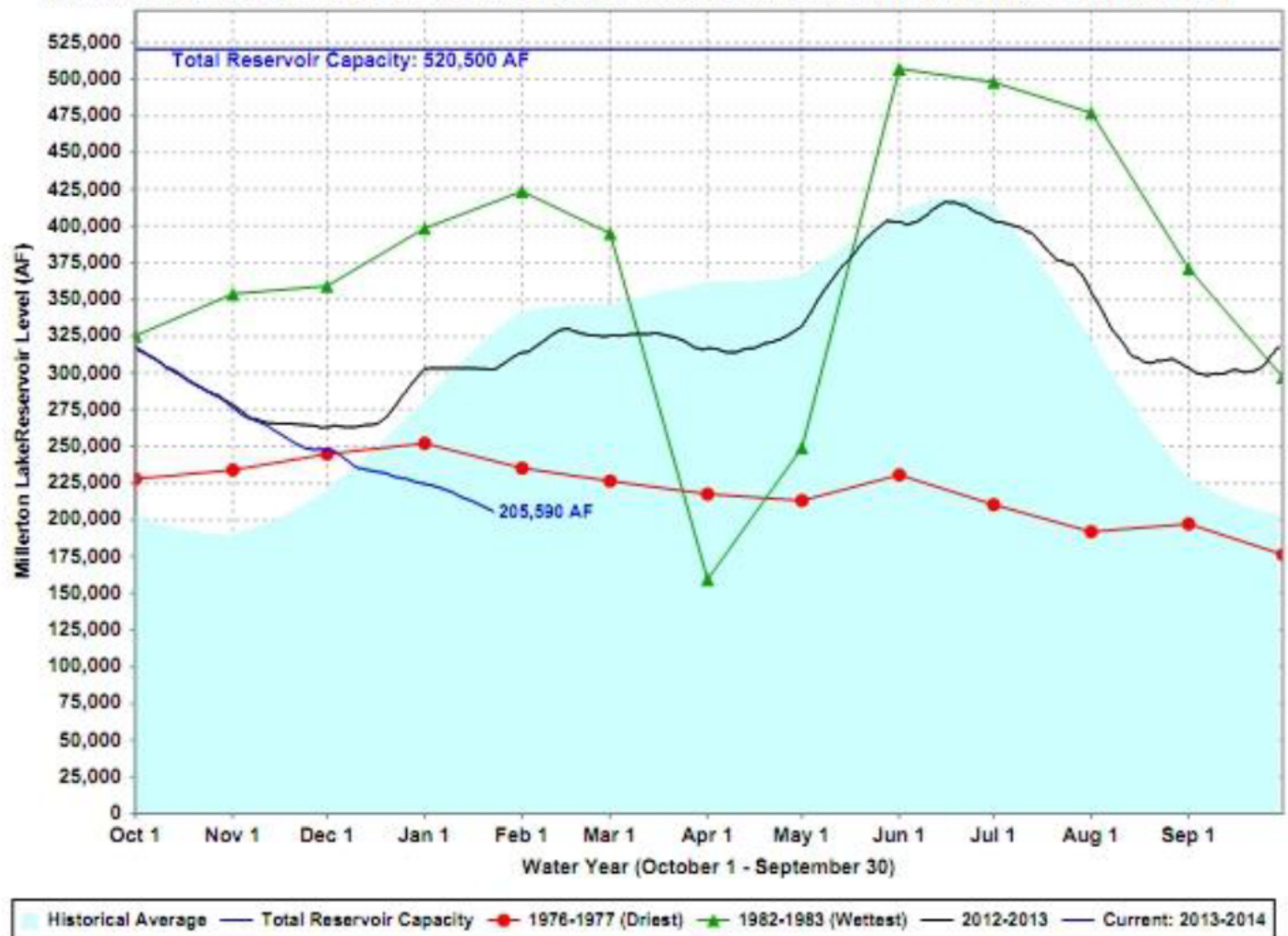


Millerton Lake Conditions

(as of Midnight • January 23, 2014)



Millerton Lake Levels: Various Past Water Years and Current Water Year, Ending At Midnight January 23, 2014



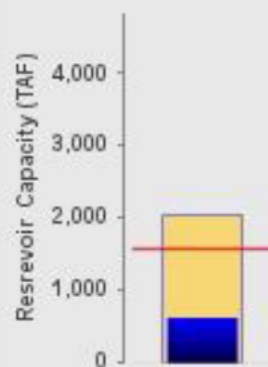


Reservoir Conditions - San Luis



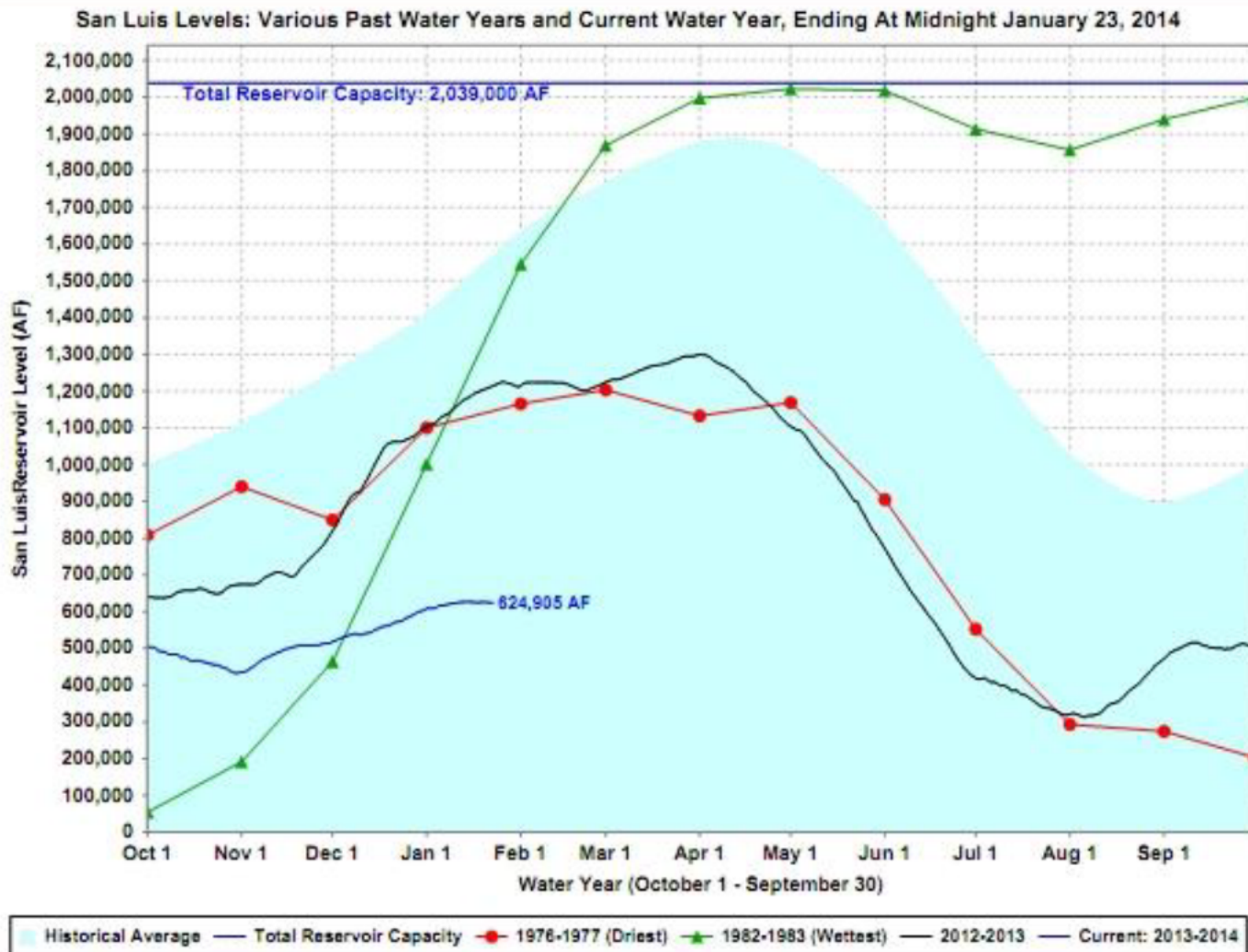
San Luis Conditions

(as of Midnight • January 23, 2014)

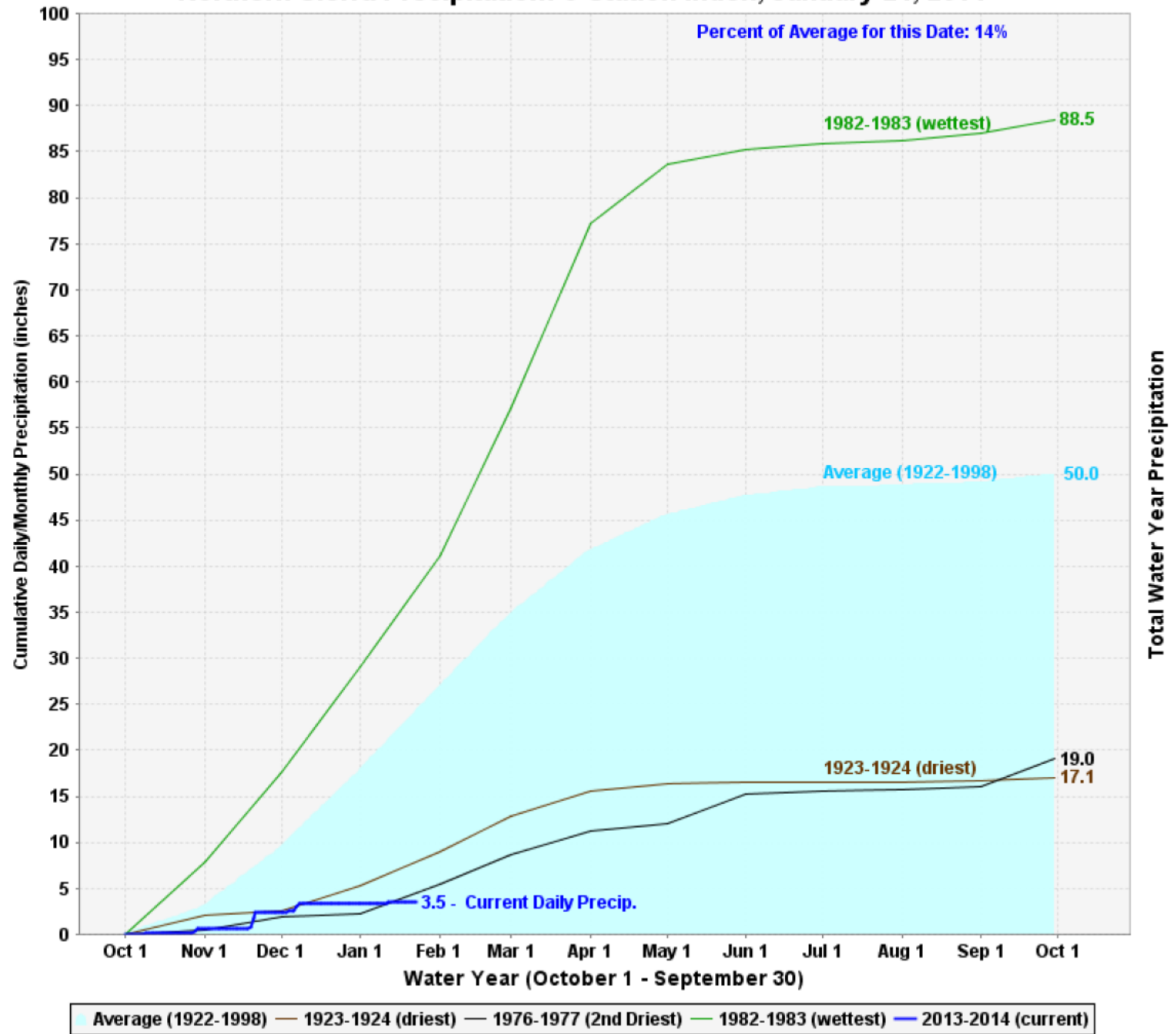


Current Level: 624,905 AF

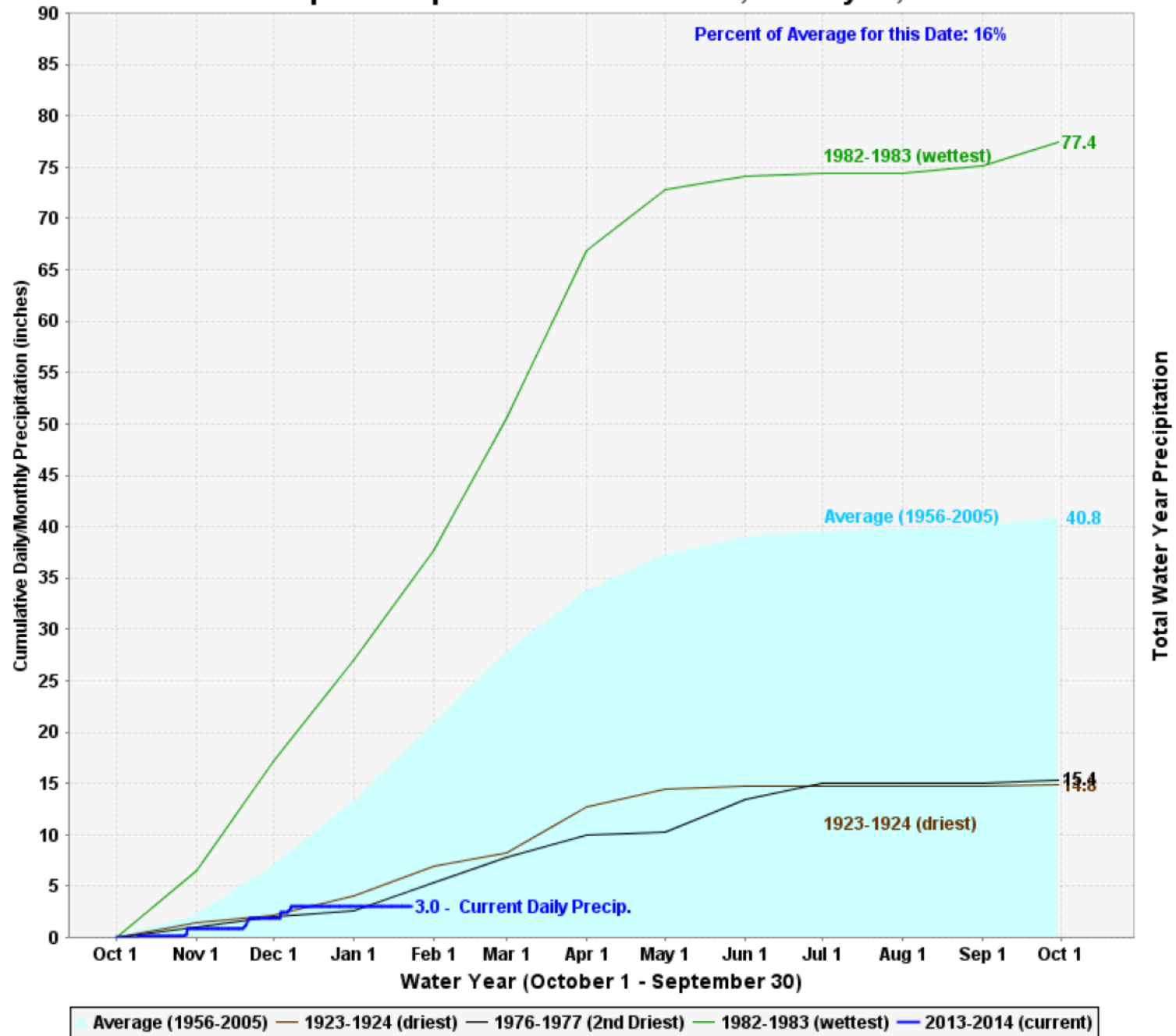
31% (Total Capacity) | 40% (Historical Avg.)



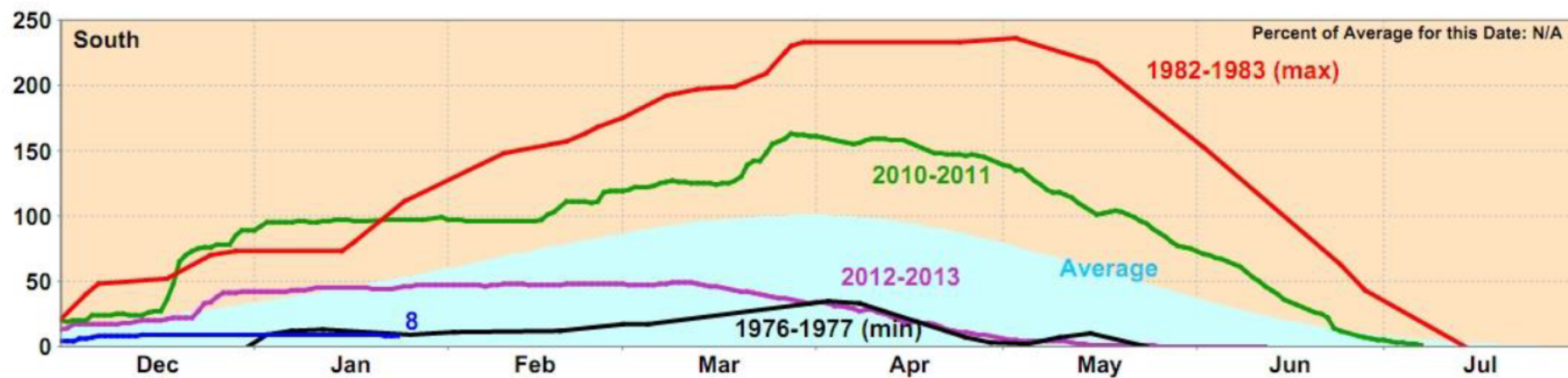
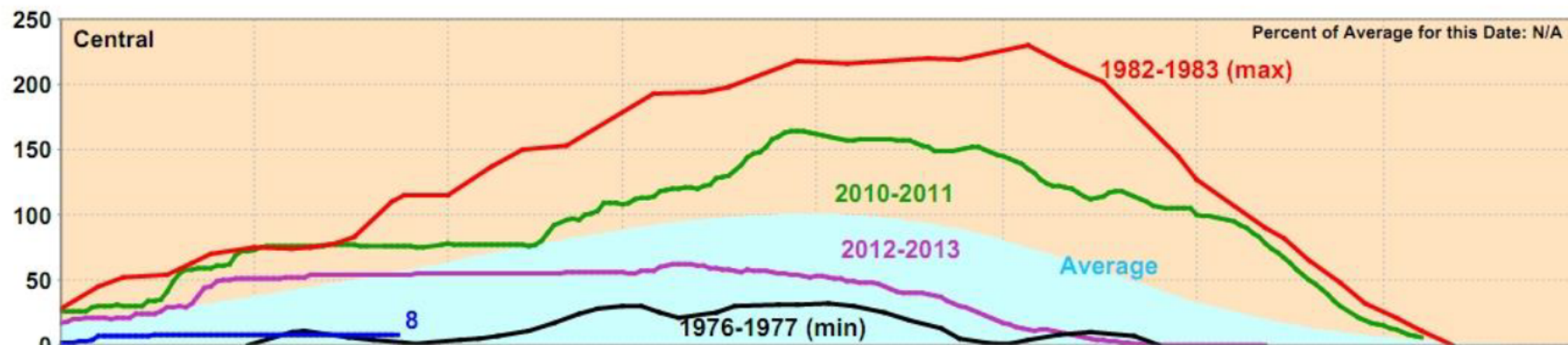
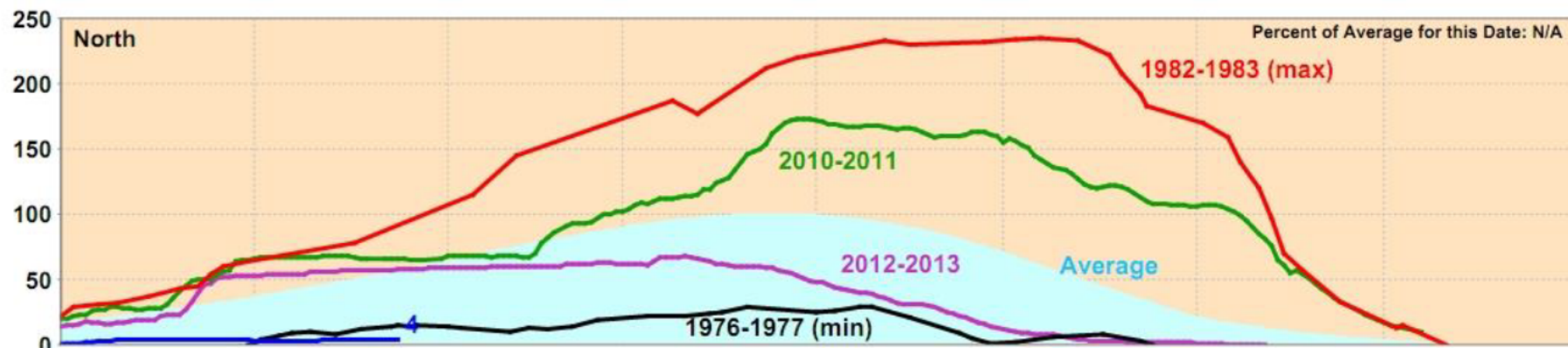
Northern Sierra Precipitation: 8-Station Index, January 24, 2014



San Joaquin Precipitation: 5-Station Index, January 24, 2014

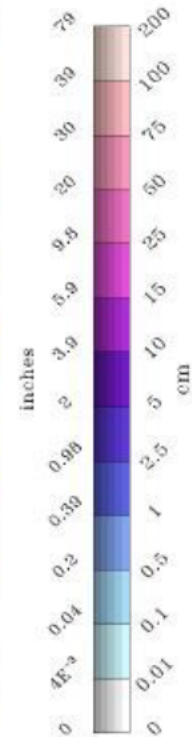
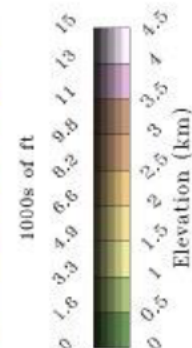
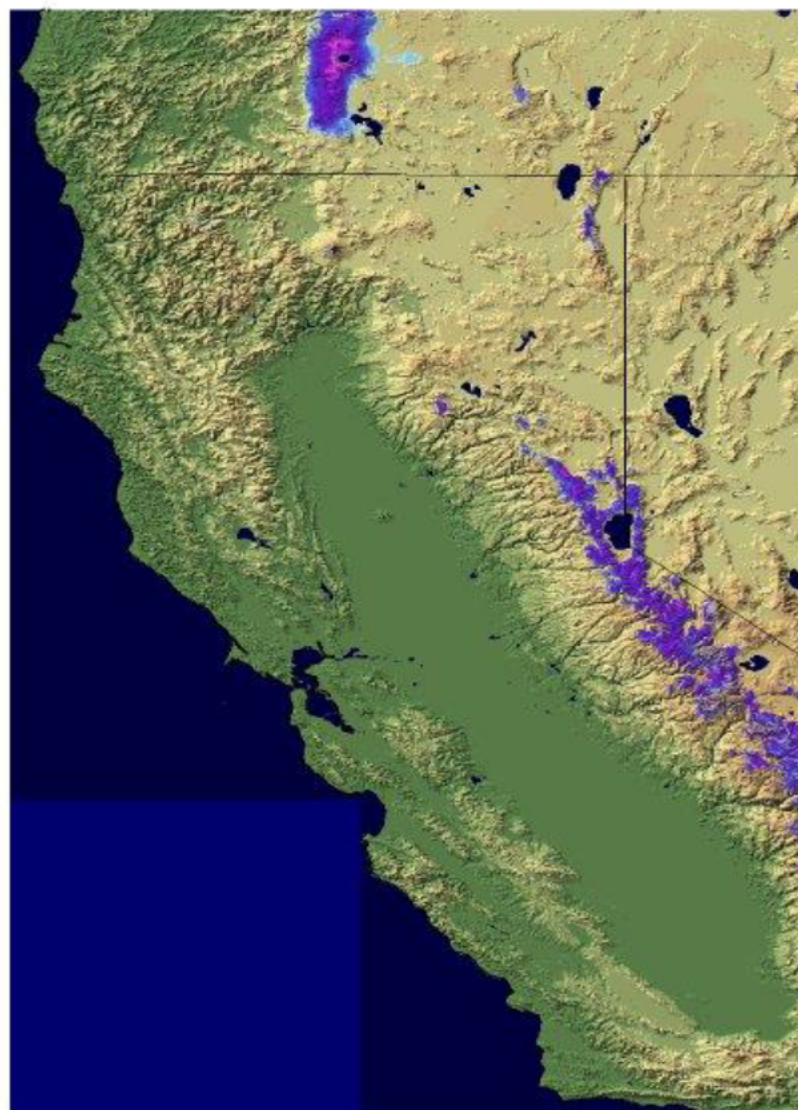


California Snow Water Content, January 24, 2014, Percent of April 1 Average



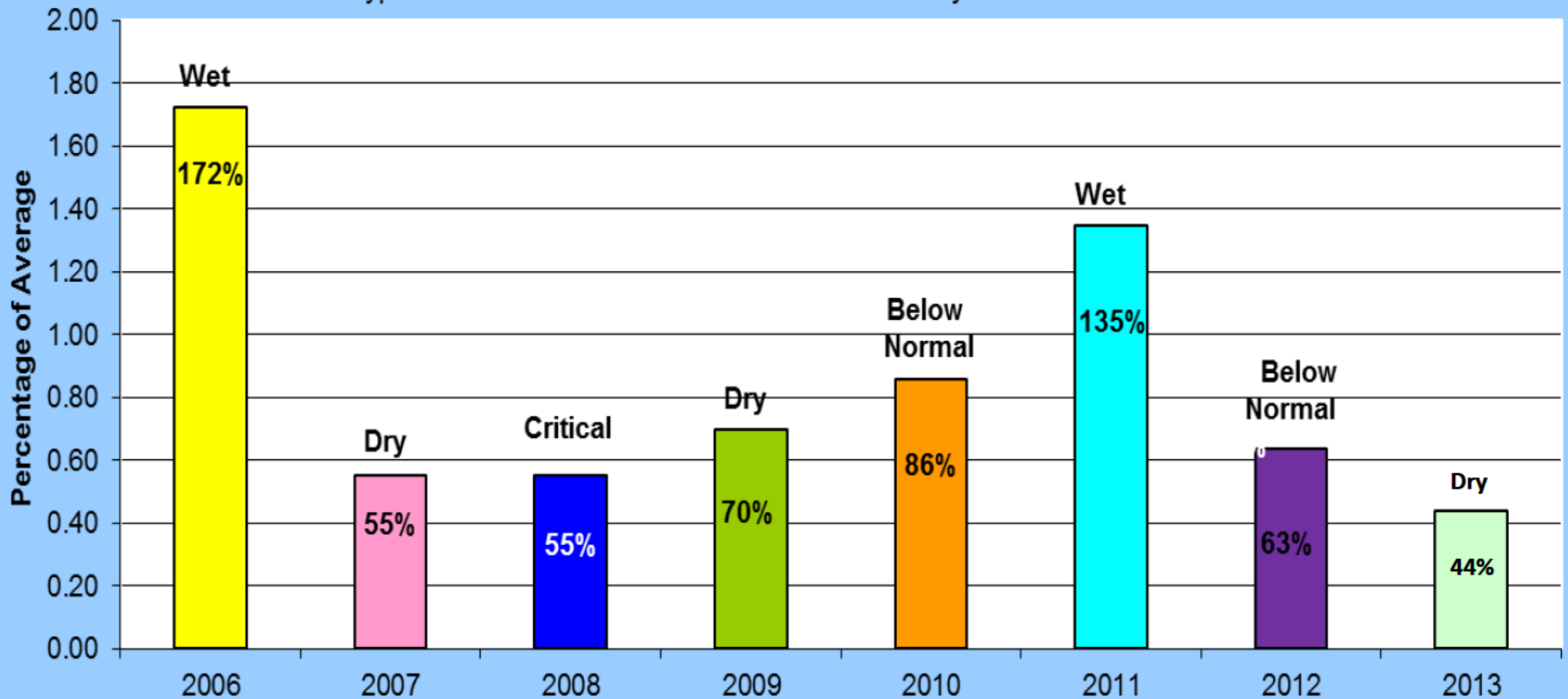
Snow Water Equivalent

2014-01-21 06 UTC



Sacramento Valley Unimpaired Runoff

Year type clasification is based on the Sacramento Valley Water Year Index 40-30-30



What has changed since 1977:

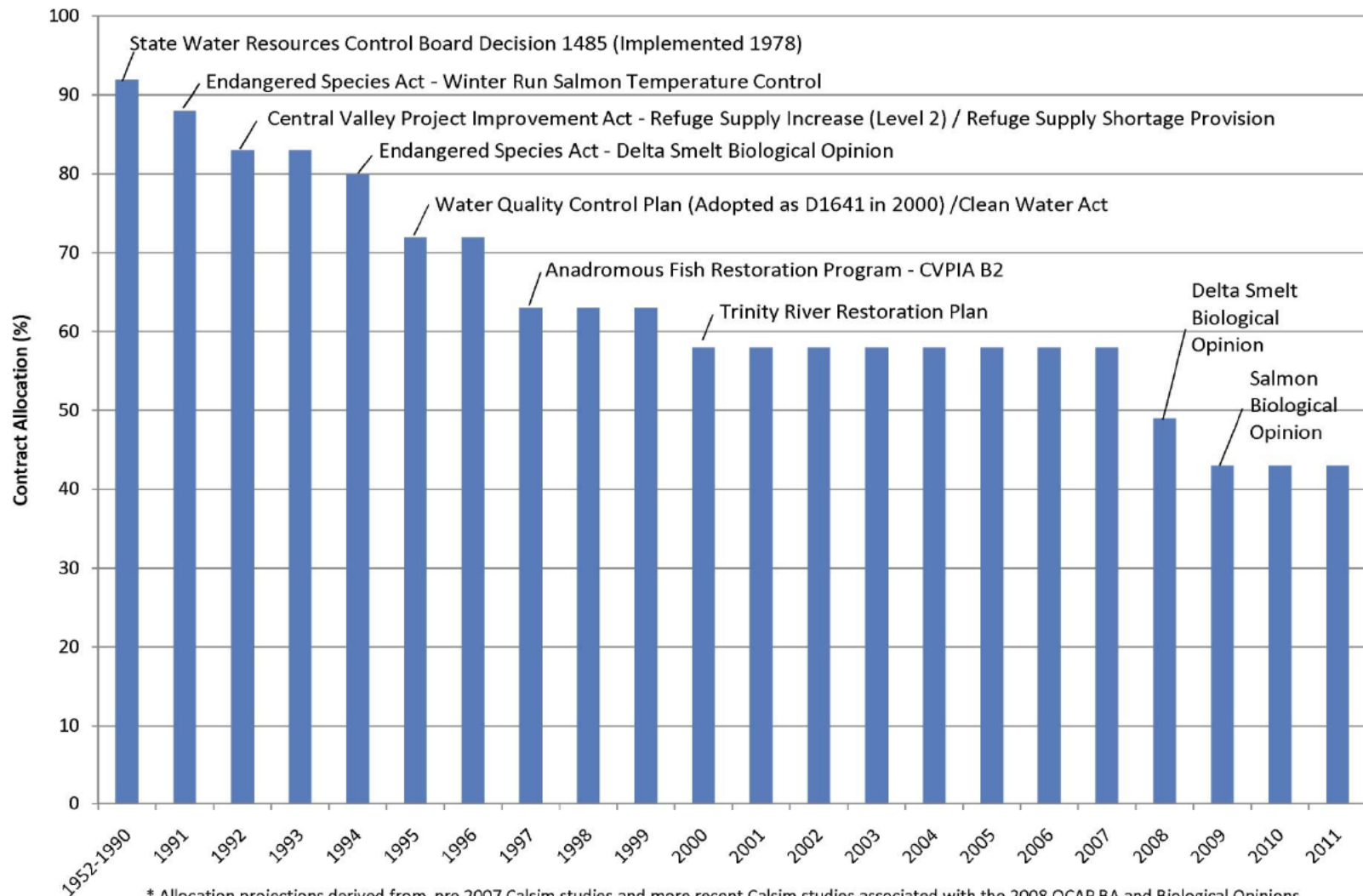
In 1977 there were 22 Million Californians,
today 38 Million [+16,000,000 an increase of
72%]

In 1977 our per capita income was \$8,500,
today \$42,500 [+\$34,000 an increase of 400%]

In 1977 gross farm revenue was \$9.6 Billion,
today \$45 Billion [+\$35,400,000,000 an
increase of 368%]

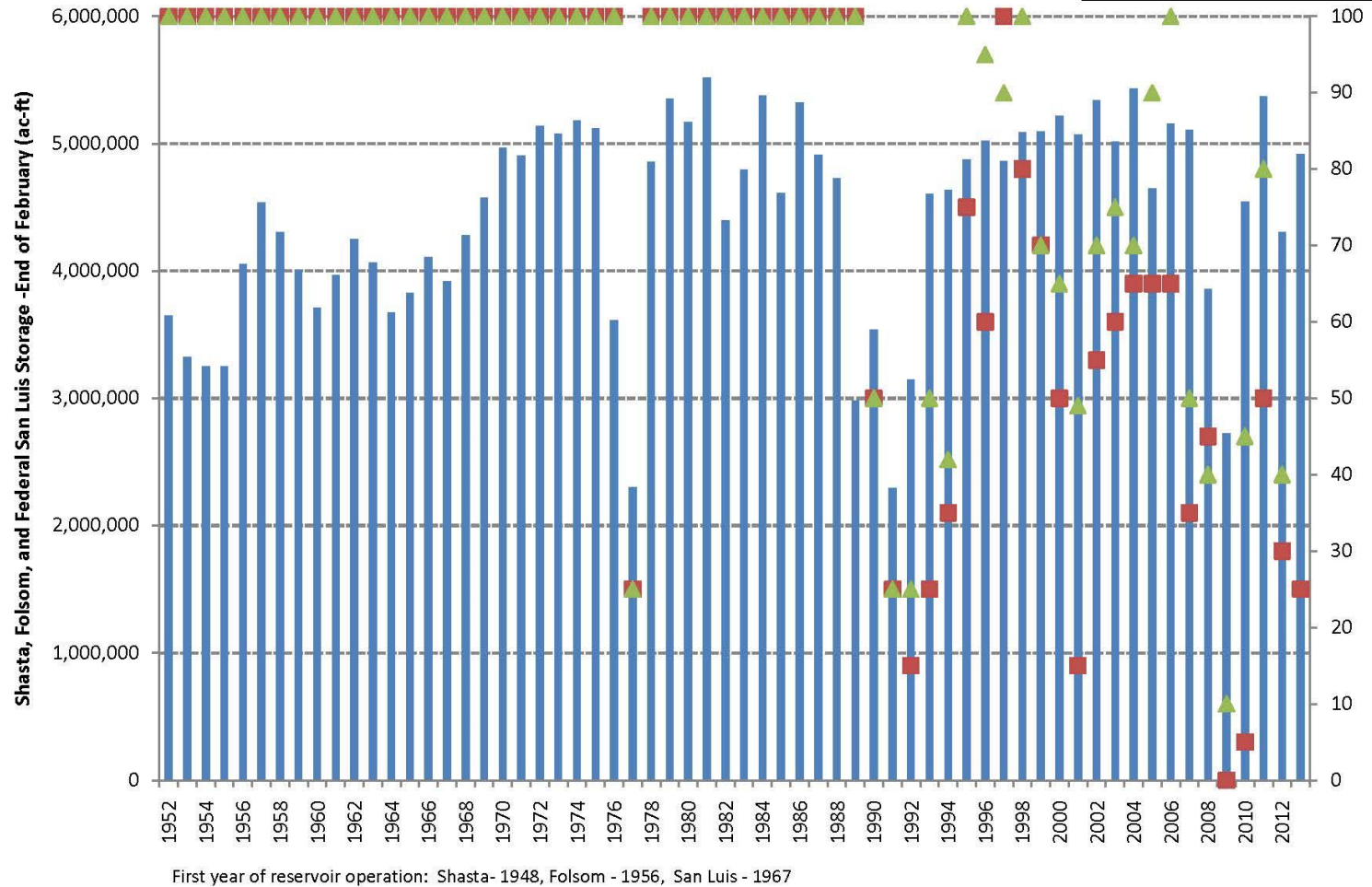
Since 1977 a multitude of government
regulatory and policy decisions have placed a
raft of “priority environmental uses” ahead of
historic human needs and have reduced the
average water supply for CVP South of Delta Ag
Service Contractors from 90% reliability to 40%
reliability.

Long Term Average, CVP S. of Delta Ag Service Contract Allocation

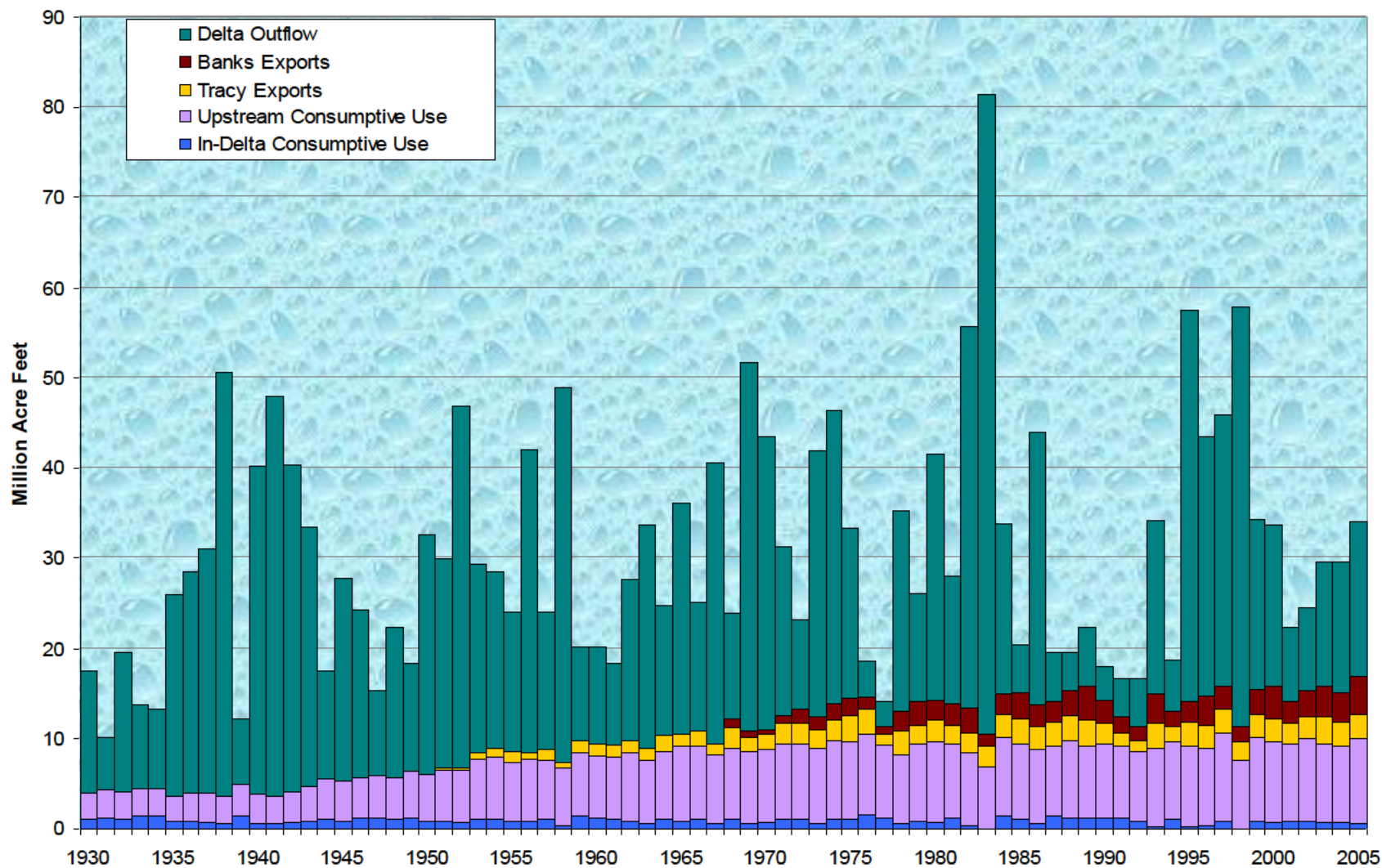


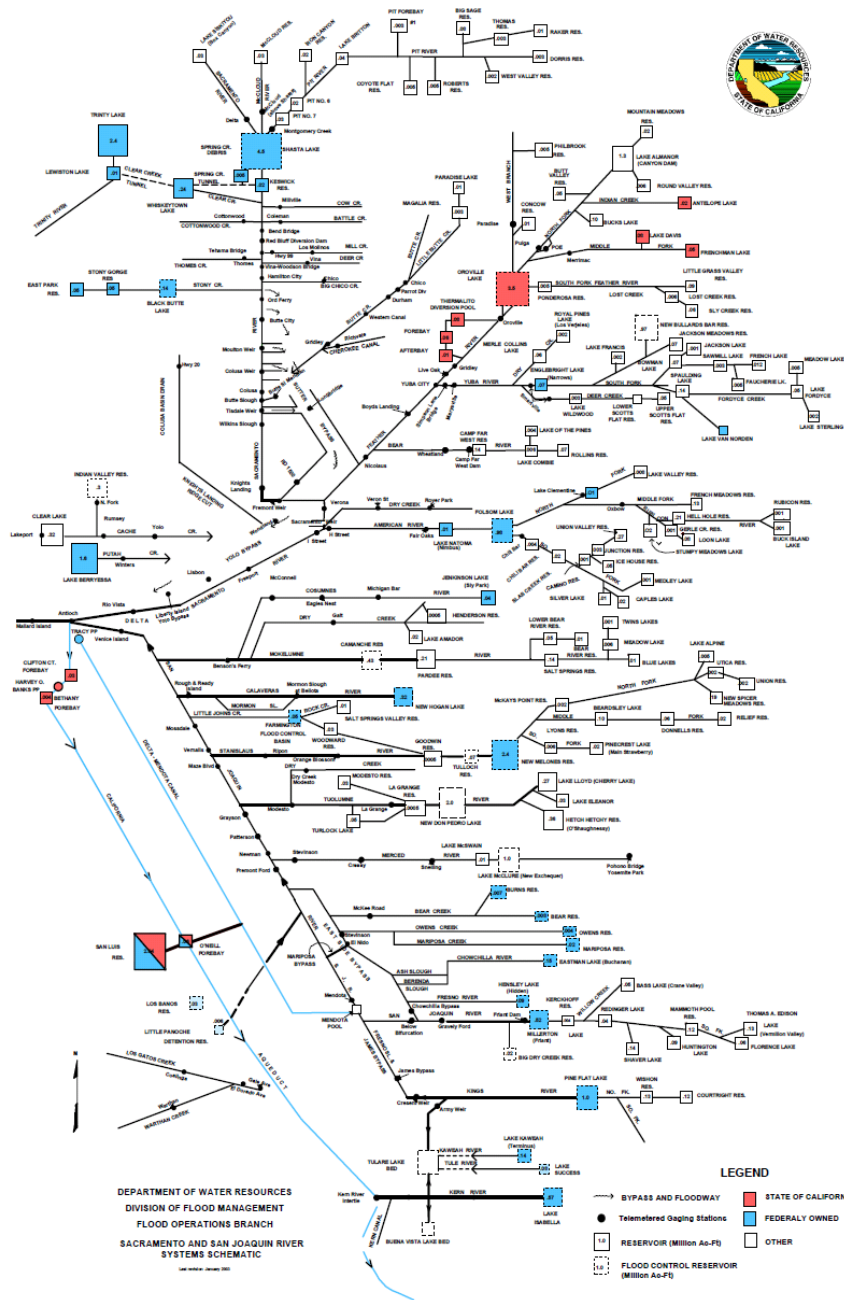
* Allocation projections derived from pre 2007 Calsim studies and more recent Calsim studies associated with the 2008 OCAP BA and Biological Opinions

CVP Storage vs Ag Service Allocation (1952-2013)



DRAFT: Delta Outflow, Upstream Consumptive Use, In-Delta Consumptive Use, and Exports







From: Jason Peltier
Sent: Wednesday, January 29, 2014 1:58 PM
To: Dennis Cardoza; Joe Findaro; David Bernhardt; Denny Rehberg
Subject: Fwd: FFA Meeting Schedule
Attachments: FFA Schedule - February 2014.doc; Untitled attachment 32783.htm

FYI

Begin forwarded message:

From: Pamela Kesler <pkesler@tfgnet.com>
Date: January 29, 2014 at 12:51:25 PM PST
To: "jpeltier@westlandswater.org" <jpeltier@westlandswater.org>
Cc: Dan Keppen <dankeppen@charter.net>, Mark Limbaugh <mlimbaugh@tfgnet.com>
Subject: FFA Meeting Schedule

Jason, Dan asked me to forward you the attached meeting schedule for next week. Thank you.

Pam Kesler
The Ferguson Group, LLC (TFG)
1130 Connecticut Avenue, N.W., Suite 300
Washington, D.C. 20036
(202) 454-3941 Direct
(202) 331-8500 Phone
(202) 331-1598 Fax
pkesler@tfgnet.com
www.thefergusongroup.com

Confidentiality Notice: This electronic mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information.



1130 Connecticut Avenue, NW
Suite 300
Washington, D.C. 20036
202.331.8500
202.331.1598 fax

FAMILY FARM ALLIANCE
Meeting Schedule for Washington, DC
February 3-6, 2014

Monday, February 3

8:00 p.m. **Dinner at Smith & Wollensky** (reservation under Mark Limbaugh for 10 people)
1112 19th Street, NW Phone (202) 466-1100
Attendees: FFA officials; Jean Sagouspe and Julie MacDonald; Mark Limbaugh/Joe Raeder

Tuesday, February 4 (9:00 to 5:30)

9:00 a.m. **David Wegner**, Professional Staff Member (minority)
Water Resources and Environment Subcommittee
House Committee on Transportation and Infrastructure
B-375 Rayburn House Office Building
Phone (202) 225-4360

10:00 a.m. **Sara Tucker**, Senior Professional Staff Member (majority)
Cathy Cahill, Congressional Fellow (minority) (Sen. Lisa Murkowski – AK)
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Phone (202) 224-4971

11:00 a.m. **Representative David Valadao** (R-CA)
Chris Marklund, Legislative Director
1004 Longworth House Office Building
Phone (202) 225-4695 (Erica Mello)

12:30 p.m. **Anne Castle**, Assistant Secretary, Office of Water and Science
Tom Iseman, Deputy Assistant Secretary, Office of Water and Science
Mike Connor, Commissioner, Bureau of Reclamation
Jennifer Gimbel, Counselor to Assistant Secretary, Office of Water and Science
Gary Frazer, Assistant Director, Endangered Species, U.S. Fish and Wildlife Service
Department of the Interior
1849 C Street, NW, Room 6641
Phone (202) 208-7187 (Michelle Brown)

2:00 p.m. **Brandon Middleton**, Senior Clean Water Act Counsel (minority)
Laura Atcheson, Counsel
Chris Tomassi, Professional Staff Member
Committee on Environment and Public Works
516 Hart Senate Office Building
Phone (202) 224-6176

3:00 p.m. **Ryan Martel**, Legislative Assistant
Office of Senator John Schatz (D-HI) (may drop by)
722 Hart Senate Office Building
Phone (202) 224-3934 (Diane Mivvasato)

4:00 p.m. **Jon Pawlow**, Counsel (majority)
Water Resources and Environment Subcommittee
House Committee on Transportation and Infrastructure
B-370-A Rayburn House Office Building
Phone (202) 225-4360

Wednesday, February 5 (9:00 to 5:30)

9:00 a.m. **OW Agriculture Stakeholder Coffee - need to RSVP if attending**
1200 Pennsylvania Avenue, NW

10:00 a.m. -12:00 p.m. **Hold**

1:30 p.m. **Representative Mike Simpson** (R-ID)
Solara Linehan, Legislative Assistant
2312 Rayburn House Office Building
Phone (202) 225-5531 (Emilee Henshaw)

2:30 p.m. **Megan Blanco**, Legislative Assistant
Office of Senator Mary Landrieu (D-LA)
703 Hart Senate Office Building
Phone (202) 224-5824 (Taylor Barden or Marianna Knister)

5:30 p.m. **Camille Calimlim Touton**, Professional Staff Member (minority)
Water and Power Subcommittee, House Committee on Natural Resources
186 Ford House Office Building
Phone (202) 225-6065

Thursday, February 6

10:00 a.m. **Stephen Guertin**, Deputy Director for Policy
Fish and Wildlife Service, Department of Interior
1849 C Street, NW, Room 3356 (*they will escort you to Conference Room 3038*)
Phone (202) 208-4545 (Roslyn Sellars)

1:30 p.m. **Senator Mike Enzi** (R-WY)
Travis Jordan, Senior Legislative Assistant
379A Russell Senate Office Building
Phone (202) 224-3424 (Britney Butler or Alana Hyman)

2:30 p.m. **Senator Jim Risch** (R-ID)
Tim Petty, Deputy Legislative Director
483 Russell Senate Office Building
Phone (202) 224-2752 (Rachel Burkett)

3:10 p.m. **Senator John Barrasso** (R-WY)
Brian Clifford, Legislative Assistant
307 Dirksen Senate Office Building
Phone (202) 224-6441 (Kathi Wise)

Pending

Representative Ken Calvert (R-CA)
Ian Foley, Legislative Assistant
2269 Rayburn House Office Building
Phone (202) 225-1986 (Tricia Evans – Fax 4-2004)

Representative Peter DeFazio (D-OR)
Kathy Dedrick, Chief of Staff (CWA)
Megan DeBates, Legislative Assistant (ESA)
2134 Rayburn House Office Building
Phone (202) 225-6416 (Katie Gillen)

Ted Illston, Counsel (majority)
Jason Albritton, Senior Policy Advisor
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Phone (202) 224-8832

Kiel Weaver, Staff Director (majority)
Water and Power Subcommittee, House Committee on Natural Resources
1522 Longworth House Office Building
Phone (202) 225-8331

Senator Mike Crapo (R-ID)
Susan Wheeler, Chief of Staff
239 Dirksen Senate Office Building
Phone (202) 224-6142 (schedule_requests@crapo.senate.gov)

Representative Raul Labrador (R-ID)
Brad Griff, Legislative Assistant
1523 Longworth House Office Building
Phone (202) 225-6611 (Alexa Walker)

Attendees

Patrick O'Toole, President, Family Farm Alliance (Ladder Livestock – WY)
Daniel Errotabere, Treasurer, Family Farm Alliance (Errotabere Ranches – CA)
Chris Hurd, Board Member, Family Farm Alliance (Circle G Farms – CA)
Clinton Pline, Advisory Committee Member, Family Farm Alliance (Nampa Meridian Irrigation District – ID)
Dan Keppen, Executive Director, Family Farm Alliance (OR)
Ara Azhderian Water Policy Administrator, San Luis & Delta-Mendota Water Authority
Joe Raeder, Partner, The Ferguson Group
Mark Limbaugh, Managing Partner, The Ferguson Group

Travel Arrangements

2/2/14	Arrive DCA on Delta #1864 at 4:20 p.m.	Clinton
2/3/14	Arrive at 3:00 p.m.	Pat
2/3/14	Arrive Dulles on United #400 at 4:39 p.m.	Daniel/Chris
2/3/14	Arrive DCA at 6:00 p.m.	Dan
2/6/14	Depart BWI on American #1435 at 8:20 a.m.	Daniel/Chris
2/6/14	Depart DCA at 2:00 p.m.	Dan
2/6/14	Depart at 6:00 p.m.	Pat
2/8/13	Depart DCA on Delta #3364 at 4:30 p.m.	Clinton

Hotel Arrangements

Capitol Hill Hotel	200 C St SE	Phone (202) 543-6000
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From: Jason Peltier

Sent: Wednesday, January 29, 2014 9:28 PM

To: Dennis Cardoza; Joe Findaro; Denny Rehberg; David Bernhardt; Dan Nelson <Dan. Nelson@sldmwa. org>; Dan Keppen; Ara Azhderian

Subject: Fwd: FYI -- Obama/Brown

Begin forwarded message:

From: Michael Burns <mburns@ka-pow.com>

Date: January 29, 2014 at 8:12:19 PM PST

To: "Tom Birmingham (tbirmingham@westlandswater.org)" <tbirmingham@westlandswater.org>, "Jason Peltier (jpeltier@westlandswater.org)" <jpeltier@westlandswater.org>, Gayle Holman <gholman@westlandswater.org>, Ed Manning <emanning@ka-pow.com>, Carolyn Jensen <cjensen@ka-pow.com>

Subject: FYI -- Obama/Brown

THE LATEST ON CALIFORNIA POLITICS AND GOVERNMENT

January 29, 2014

Barack Obama calls Jerry Brown for drought update



President **Barack Obama** called Gov. **Jerry Brown** on Wednesday to discuss California's drought, as the governor prepares to meet Thursday with water officials in [Los Angeles](#).

The White House said in a release that Obama called Brown "to receive an update on the situation in California and express his concern for the citizens impacted by the historic drought conditions facing the state - conditions that are likely to have significant impacts on the state's communities, economy and environment in the coming months."

Brown's office said the governor will meet privately "with more than a dozen water leaders from across Southern California" on Thursday. The Democratic governor announced a state of emergency earlier this month and urged Californians to reduce water use by 20 percent.

California is suffering through dry conditions for a third straight year, depleting reservoirs and leaving streams and rivers running low.

The U.S. Department of Agriculture has designated parts of California as primary natural disaster areas due to the drought. The designation makes certain farmers eligible for low-interest emergency loans to cover losses.

Among other measures, the White House said Wednesday that the Department of Agriculture is working with farmers and ranchers to "increase their irrigation water efficiency, protect vulnerable soils from erosion, and improve the health of pasture and range lands."

PHOTO: President Barack Obama speaks about the new health care law during a White House Youth Summit, in the South Court Auditorium in the Eisenhower Executive Office Building on the White House complex in Washington. Associated Press/Carolyn Kaster

Read more here: <http://blogs.sacbee.com/capitolalertlatest/2014/01/barack-obama-calls-jerry-brown-for-drought-update.html#storylink=cpy>

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From: Bernhardt, David L.
Sent: Thursday, January 30, 2014 7:03 AM
To: Jason Peltier
Subject: Fwd: GOP drought bill reopens partisan rift in Calif. delegation

Fyi

██████████

GOP drought bill reopens partisan rift in Calif. delegation

Josh Kurtz, E&E reporter

Published: Thursday, January 30, 2014

Thwarted in their last-minute gambit to include an anti-drought amendment in the farm bill, the entire House Republican delegation from California yesterday introduced the same measure as a stand-alone piece of legislation -- to the fury of Golden State Democrats.

Authored by three Republicans who represent the agriculture-heavy Central Valley, the "Sacramento-San Joaquin Valley Emergency Water Delivery Act," H.R. 3964, would undo a San Joaquin River restoration program that has been the object of a court settlement and intricate compromises between state and federal officials for decades. It would cap the delivery of water for environmental purposes and would lengthen irrigation contracts and lift certain environmental protections in area watersheds, among other controversial provisions.

The idea, the sponsors said, is to make as much water available as possible for farmers, businesses and homeowners in the valley.

"My constituents are suffering from drought conditions severely exacerbated by erroneous federal regulations," said Rep. David Valadao (R), lead sponsor of the legislation along with Reps. Devin Nunes (R) and Kevin McCarthy (R), the House majority whip. "Families and farmers alike are not receiving the water they need to meet their basic, everyday needs."

The legislation is similar to a bill that Nunes introduced in 2011, which passed the House but stalled in the Senate. It was immediately blasted yesterday by leading California Democrats, who called the measure irresponsible and designed to help one region of the state at the expense of others.

"This bill is disingenuous, it is irresponsible and it is dangerous," said Sen. Dianne Feinstein (D-Calif.), who has been promoting her own measures to ease drought conditions and provide more water for the state. "I truly hope valley farmers speak out against this ugly example of politics as usual and demand that valley Republicans quit the games and fulfill their responsibilities as legislators."

Feinstein said she had spoken to Valadao, Nunes and McCarthy last week and had committed to working together on a compromise bill to ease drought conditions in their part of the state. She said she agreed with their recent proposal to create a House-Senate committee to study the matter and added that she was taken aback that they would proceed with this legislation.

"The bill undermines state law related to Bay Delta restoration and endangered species," Feinstein said.

"It overrides the court-approved San Joaquin River Settlement Agreement, which all parties involved still agree with." And, she warned, "it ends any possibility of a balanced solution to restore the Bay Delta."

But Nunes said the Central Valley communities could no longer wait for a House-Senate compromise that might never occur.

"The time for talk is over," he said. "The House has acted, and it's time for the Senate to join us in providing critical assistance to the people of California."

Just days ago, House Republicans tried to attach a similar measure to the farm bill in the final days of negotiations over the sweeping \$1 trillion legislation. House GOP leaders were amenable -- House Speaker John Boehner (R-Ohio) had appeared last week at a news conference on the California drought near Bakersfield, Calif., in McCarthy's district, endorsing the idea.

But senators on the farm bill conference committee rejected the amendment -- partially over its substance, and partially because the conference committee had spent months in negotiations and did not want to tackle another controversial issue at the eleventh hour. The full farm bill passed the House yesterday on a 251-166 vote and heads now to the Senate ([Greenwire](#), Jan. 29).

The *San Francisco Chronicle* on Tuesday reported that there may have been an element of political gamesmanship in the last-minute tussle over the farm bill. By trying to add the amendment to the farm bill and forcing California's senators to presumably vote against it, the newspaper suggested, House Republicans were hoping to indirectly embarrass Amanda Renteria, a daughter of farm workers and

former aide to Feinstein and Senate Agriculture Chairwoman Debbie Stabenow (D-Mich.) -- who happens to be running against Valadao this year.

Valadao, a freshman who was a dairy farmer and state assemblyman before his election to Congress, represents a district where President Obama won 55 percent of the vote in 2012, and is considered vulnerable.

Jon Hrobsky

Policy Director

Brownstein Hyatt Farber Schreck

Energy, Environment & Resource Strategies

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From: Jason Peltier

Sent: Thursday, January 30, 2014 9:38 AM

To: Tom Birmingham; Dan Nelson <Dan. Nelson@sldmwa. org>; Dennis Cardoza; David Bernhardt; Ara Azhderian; Roger K' Patterson; sramos@westlandswater. org; Joan Maher (JMaher@valleywater. org); Brent Walthall; Joe Findaro

Subject: Obama call

Good news, Karla just confirmed that they had advance notice of the call and were able to prep the Governor.

From: Walthall, Brent

Sent: Thursday, January 30, 2014 9:44 AM

To: Jason Peltier; Tom Birmingham; Dan Nelson <Dan. Nelson@sldmwa. org>; Dennis Cardoza; David Bernhardt; Ara Azhderian; Roger K' 'Patterson; sramos@westlandswater. org; Joan Maher (JMaher@valleywater. org); Joe Findaro

Subject: RE: Obama call

Great. I'm really glad we left them with our one-pager. Makes it more likely the BNDCP was a topic on the call and if it was, that the right questions were asked.

Brent

-----Original Message-----

From: Jason Peltier [<mailto:jpeltier@westlandswater.org>]

Sent: Thursday, January 30, 2014 8:38 AM

To: Tom Birmingham; Dan Nelson <Dan. Nelson@sldmwa. org>; Dennis Cardoza; David Bernhardt; Ara Azhderian; Roger K' 'Patterson; sramos@westlandswater. org; Joan Maher (JMaher@valleywater. org); Walthall, Brent; Joe Findaro

Subject: Obama call

Good news, Karla just confirmed that they had advance notice of the call and were able to prep the Governor.

From: Walthall, Brent

Sent: Thursday, January 30, 2014 9:58 AM

To: Jason Peltier; Tom Birmingham; Dan Nelson <Dan.Nelson@sldmwa.org>; Dennis Cardoza; David Bernhardt; Ara Azhderian; Roger K' Patterson; sramos@westlandswater.org; Joan Maher (JMaher@valleywater.org); Joe Findaro

Subject: RE: Obama call

Attachments: Critical Issues (short).docx

Per Jason's request.... See attachment.

-----Original Message-----

From: Jason Peltier [<mailto:jpeltier@westlandswater.org>]

Sent: Thursday, January 30, 2014 8:38 AM

To: Tom Birmingham; Dan Nelson <Dan.Nelson@sldmwa.org>; Dennis Cardoza; David Bernhardt; Ara Azhderian; Roger K' Patterson; sramos@westlandswater.org; Joan Maher (JMaher@valleywater.org); Walthall, Brent; Joe Findaro

Subject: Obama call

Good news, Karla just confirmed that they had advance notice of the call and were able to prep the Governor.

Critical Issues

January 27, 2014

Threshold Issues Requiring Attention

- **The current level of federal effort is jeopardizing the BDCP.** The engagement of the federal agencies must dramatically improve to ensure that water supplies and species populations improve. The available solutions are limited to direct communication between the governor, Senator Feinstein and the White House. The purpose of that communication is to secure a commitment from the federal administration that it will direct its agencies to participate in the BDCP as a full partner with the state and as a project proponent.
- **The BDCP proposed project provides insufficient water supplies.** As currently proposed, the BDCP will not result in sufficient water supply benefits to support a decision to continue funding the BDCP. In general terms, the BDCP should result in water supply reliability of approximately 75% for both the CVP and the SWP. The available solutions are to: increase the water supply of the BDCP through changes in default assumptions regarding the “decision tree”; implement publicly funded programs to meet environmental water demands, and, given the substantial commitment of water and other resources being made in BDCP, establish a minimum water supply below which water will not be taken for other purposes, including environmental purposes.
- **The cost of the BDCP is high, and there is significant concern that it will increase.** Recent experience shows that the cost of large public works projects tends to increase during construction. Today the cost of the BDCP is so high there is no room for any increase in cost. To reduce the likelihood of cost increases during construction, all costs need to be controlled by the entities that choose to fund construction of the BDCP. The available solutions are to allow DWR to retain design approval, while delegating all construction-related decisions to the local public agencies that volunteer to pay for the construction of the tunnels.
- **The BDCP’s regulatory assurances to permittees are weak.** Strong regulatory assurances increase the willingness of local public agencies to fund the BDCP and construction of the tunnels. The assurances currently included in the BDCP are unclear and uncertain. The available solutions include clear delineation in the implementation Agreement of permittee commitments of water, financial and other resources. A clear commitment is necessary in the implementing agreement so that permittees can rely upon a minimum water supply from the project, and clear commitment that a lack of funding by the state and federal agencies doesn’t invalidate the permits for operation of the new conveyance facilities.

Additional detail on each of these issues and possible solutions were provided to the governor’s staff in prior meetings.

From: Jason Peltier
Sent: Thursday, January 30, 2014 1:14 PM
To: Minerva, Julie; Dennis Cardoza; Denny Rehberg; Joe Findaro; David Bernhardt
Subject: Family Farm Alliance DC trip
Attachments: FFA Schedule - February 2014.doc; Feb 2014 Talking Points.docx

Current schedule and talking points.

From: Pamela Kesler [mailto:pkesler@tfgnet.com]
Sent: Thursday, January 30, 2014 10:11 AM
To: Dan Keppen; 'Pat O'Toole'; 'Daniel Errotabere'; [REDACTED]@[REDACTED].[REDACTED] [REDACTED]@[REDACTED].[REDACTED] 'Ara Azhderian'; 'Jason Peltier'
Cc: Mark Limbaugh; Joe Raeder
Subject: RE: FFA Meeting Schedule

Please find attached an updated FFA meeting schedule for today's call. Thank you.

Pam Kesler
The Ferguson Group, LLC (TFG)
1130 Connecticut Avenue, N.W., Suite 300
Washington, D.C. 20036
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From: Dan Keppen [mailto:dankeppen@charter.net]
Sent: Wednesday, January 29, 2014 11:15 PM
To: Pamela Kesler; 'Pat O'Toole'; 'Daniel Errotabere'; [REDACTED]@[REDACTED].[REDACTED] [REDACTED]@[REDACTED].[REDACTED] 'Ara Azhderian'; 'Jason Peltier'
Cc: Mark Limbaugh; Joe Raeder
Subject: FFA Meeting Schedule

Hi Everybody:

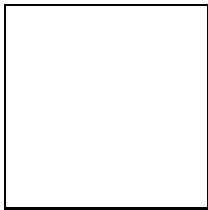
As you know, we have a teleconference planned for TOMORROW at noon (Pacific), 1:00 p.m. (Mountain), 3:00 p.m. (Eastern) to discuss our schedule and issues prior to heading to D.C. Jason Peltier and Ara Azhderian will also be joining our call. I've also attached the latest schedule that Pam and Mark have been working hard to finalize.

Dial-in Number: 866-[REDACTED]-[REDACTED] Code: hit *, then [REDACTED] then * again.

I look forward to talking with you all tomorrow.

Best regards –

Dan



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1130 Connecticut Avenue, NW
Suite 300
Washington, D.C. 20036
202.331.8500
202.331.1598 fax

FAMILY FARM ALLIANCE
Meeting Schedule for Washington, DC
February 3-6, 2014

Monday, February 3

8:00 p.m. **Dinner at Smith & Wollensky** (reservation under Mark Limbaugh for 10 people)
1112 19th Street, NW Phone (202) 466-1100
Attendees: FFA officials; Jean Sagouspe and Julie MacDonald; Mark Limbaugh/Joe Raeder

Tuesday, February 4

9:00 a.m. **David Wegner**, Professional Staff Member (minority)
Water Resources and Environment Subcommittee
House Committee on Transportation and Infrastructure
B-375 Rayburn House Office Building
Phone (202) 225-4360

10:00 a.m. **Sara Tucker**, Senior Professional Staff Member (majority)
Cathy Cahill, Congressional Fellow (minority) (Sen. Lisa Murkowski – AK)
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Phone (202) 224-4971

11:00 a.m. **Representative David Valadao** (R-CA)
Chris Marklund, Legislative Director
1004 Longworth House Office Building
Phone (202) 225-4695 (Erica Mello)

12:30 p.m. **Anne Castle**, Assistant Secretary, Office of Water and Science
Tom Iseman, Deputy Assistant Secretary, Office of Water and Science
Mike Connor, Commissioner, Bureau of Reclamation
Jennifer Gimbel, Counselor to Assistant Secretary, Office of Water and Science
Gary Frazer, Assistant Director, Endangered Species, U.S. Fish and Wildlife Service
Department of the Interior
1849 C Street, NW, Room 6641
Phone (202) 208-7187 (Michelle Brown)

2:00 p.m. **Brandon Middleton**, Senior Clean Water Act Counsel (minority)
Laura Atcheson, Counsel
Chris Tomassi, Professional Staff Member
Committee on Environment and Public Works
516 Hart Senate Office Building
Phone (202) 224-6176

3:00 p.m. **Ryan Martel**, Legislative Assistant
Office of Senator John Schatz (D-HI) (may drop by)
722 Hart Senate Office Building
Phone (202) 224-3934 (Diane Mivvasato)

- 4:00 p.m. **Jon Pawlow**, Counsel (majority)
Water Resources and Environment Subcommittee
House Committee on Transportation and Infrastructure
B-370-A Rayburn House Office Building
Phone (202) 225-4360
- 5:00 p.m. **Kiel Weaver**, Staff Director (majority)
Water and Power Subcommittee, House Committee on Natural Resources
1522 Longworth House Office Building
Phone (202) 225-8331

Wednesday, February 5

- 9:00 a.m. **OW Agriculture Stakeholder Coffee - need to RSVP if attending**
1200 Pennsylvania Avenue, NW
- 10:00 a.m. -12:00 p.m. **Hold**
- 1:30 p.m. **Representative Mike Simpson (R-ID)**
Solara Linehan, Legislative Assistant
2312 Rayburn House Office Building
Phone (202) 225-5531 (Emilee Henshaw)
- 2:30 p.m. **Megan Blanco**, Legislative Assistant
Office of Senator Mary Landrieu (D-LA)
703 Hart Senate Office Building
Phone (202) 224-5824 (Taylor Barden or Marianna Knister)
- 4:30 p.m. **Brad Griff**, Legislative Assistant
Office of Representative Raul Labrador (R-ID)
1523 Longworth House Office Building
Phone (202) 225-6611 (Alexa Walker)
- 5:30 p.m. **Camille Calimlim Touton**, Professional Staff Member (minority)
Water and Power Subcommittee, House Committee on Natural Resources
186 Ford House Office Building
Phone (202) 225-6065

Thursday, February 6

- 10:00 a.m. **Stephen Guertin**, Deputy Director for Policy
Fish and Wildlife Service, Department of Interior
1849 C Street, NW, Room 3356 (*they will escort you to Conference Room 3038*)
Phone (202) 208-4545 (Roslyn Sellars)
- 1:30 p.m. **Senator Mike Enzi (R-WY)**
Travis Jordan, Senior Legislative Assistant
379A Russell Senate Office Building
Phone (202) 224-3424 (Britney Butler or Alana Hyman)
- 2:30 p.m. **Senator Jim Risch (R-ID)**
Tim Petty, Deputy Legislative Director
483 Russell Senate Office Building
Phone (202) 224-2752 (Rachel Burkett)

3:30 p.m. **Senator Mike Crapo** (R-ID)
 Jessie Smith, Legislative Assistant
 239 Dirksen Senate Office Building
 Phone (202) 224-6142

3:10 p.m. **Senator John Barrasso** (R-WY)
 Brian Clifford, Legislative Assistant
 307 Dirksen Senate Office Building
 Phone (202) 224-6441 (Kathi Wise)

Pending – follow up calls made today – Wednesday at 3:30 and Thursday at 11:00 or 12:00.

Representative Ken Calvert (R-CA)
Ian Foley, Legislative Assistant
2269 Rayburn House Office Building
Phone (202) 225-1986 (Tricia Evans – Fax 4-2004)

Megan DeBates, Legislative Assistant (ESA)
Office of Representative Peter DeFazio (D-OR)
2134 Rayburn House Office Building
Phone (202) 225-6416 (Katie Gillen)

Ted Illston, Counsel (majority)
Jason Albritton, Senior Policy Advisor
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Phone (202) 224-8832

Attendees

Patrick O'Toole, President, Family Farm Alliance (Ladder Livestock – WY)
Daniel Errotabere, Treasurer, Family Farm Alliance (Errotabere Ranches – CA)
Chris Hurd, Board Member, Family Farm Alliance (Circle G Farms – CA)
Clinton Pline, Advisory Committee Member, Family Farm Alliance (Nampa Meridian Irrigation District – ID)
Dan Keppen, Executive Director, Family Farm Alliance (OR)
Ara Azhderian Water Policy Administrator, San Luis & Delta-Mendota Water Authority
Joe Raeder, Partner, The Ferguson Group
Mark Limbaugh, Managing Partner, The Ferguson Group

Travel Arrangements

2/2/14	Arrive DCA on Delta #1864 at 4:20 p.m.	Clinton
2/3/14	Arrive at 3:00 p.m.	Pat
2/3/14	Arrive Dulles on United #400 at 4:39 p.m.	Daniel/Chris
2/3/14	Arrive DCA at 6:00 p.m.	Dan
2/6/14	Depart BWI on American #1435 at 8:20 a.m.	Daniel/Chris
2/6/14	Depart DCA at 2:00 p.m.	Dan
2/6/14	Depart at 6:00 p.m.	Pat
2/8/13	Depart DCA on Delta #3364 at 4:30 p.m.	Clinton

Hotel Arrangements

Capitol Hill Hotel 200 C St SE Phone (202) 543-6000

The Impacts of Existing and Future Clean Water Act Regulations on Irrigated Agriculture

Background: The Obama Administration is now pursuing a formal rulemaking that would define the jurisdiction of the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) over “waters of the U.S.” under the Clean Water Act (CWA). EPA has indicated that the rule will supersede the long - awaited CWA guidance on the topic and could help address congressional objections to an earlier draft. EPA and the Corps have been planning for some time to revise the policy for determining when isolated wetlands, intermittent streams and other non-navigable waters are subject to regulation under the water law, mostly to “clarify” the Supreme Court split ruling in the *Rapanos* and *SWANCC* decisions. In 2011, the Administration issued draft guidance that allowed regulators to use either of two Supreme Court tests for determining whether waters are subject to regulation, an approach that would have expanded CWA jurisdiction. The final version of that guidance has yet to emerge from a review that began two years ago at the White House Office of Management and Budget (OMB).

Concerns of Western Water Users - CWA jurisdictional issues are uncertain, particularly in areas where Western farmers and ranchers store, move and apply water for irrigation. This uncertainty brings with it the risk of additional regulations, time-consuming and potentially expensive procedures, expanded opportunities for litigation, and a shift from local and state water management towards increased federal agency regulation and oversight. Granted, the draft guidance would theoretically preserve current CWA exemptions enjoyed by the agricultural community such as the agricultural return flow exemption and the agricultural ditch operations exemption. However, the draft guidance’s approach to defining “other waters” is so expansive that it could be interpreted to challenge irrigation water use in a manner that could render such exemptions meaningless. Further, sending a proposed rule to OMB before the Scientific Advisory Board (SAB) completes the review of the scientific foundation of that rule raises a concern that the outcome has been predetermined. Our members simply do not need another layer of difficulty added to a profession that is already saddled with significant challenges.

Recommendations on CWA Rulemaking – We have urged EPA and the Corps to withdraw the “Draft Clean Water Act” guidance immediately following its publication in 2011 and instead conduct a formal rule making process. We have worked with other organizations and provided recommendations and observations to EPA in the last year on the proposed rule making process and a related EPA’s “connectivity” report:

- ☛ We appreciate EPA’s stated intention to move to a formal rule making process and would like EPA to publish its intentions in the Federal Register. The Guidance introduced new definitions and regulatory requirements that should only be considered within the context of a formal rulemaking process, subject to consultation with other federal agencies and state and local governments.
- ☛ EPA should share the draft proposed rule with the SAB to better inform the SAB of the context in which the connectivity report will be used. In *Rapanos*, the Supreme Court rejected the position of the Corps that its jurisdiction under the CWA was virtually limitless. EPA should instruct the SAB to evaluate the connectivity study consistent with Supreme Court decisions on waters of the U.S. subject to federal jurisdiction.
- ☛ To better recognize the uniqueness of western arid states, EPA should preserve the exemptions included in the CWA, including those covered by the U.S. Army Corps of Engineers in RGL 07-02.
- ☛ As an example, EPA should reaffirm that the operation, maintenance, repair, and rehabilitation of man-made ditches, canals and spreading basins is not subject to 404 jurisdiction because these facilities do not qualify as jurisdictional waters of the U.S. because they do not conduct “continuous flow” (per the Scalia test), nor possess a “significant nexus” to traditional navigable waters (under the Kennedy test) to assert jurisdiction.

We recognize the important water quality improvements brought about by passage and implementation of the CWA. In order to reduce costs and obtain CWA permits in a timely manner, we will work with federal agencies to secure predictability and certainty in determining if a water body is subject to CWA jurisdiction.

Concerns of Western Water Users Regarding NPDES Permits for Application of Pesticides

Background - Pesticides play an important role in protecting public health, the nation's food supply, natural resources, infrastructure and green spaces. They are used not only to protect crops from destructive pests, but also to manage mosquitoes and other disease-carrying pests, and invasive aquatic weeds that can choke water delivery canals and other waterways.

On June 2, 2010 EPA released its draft National Pollutant Discharge Elimination System (NPDES) general permit for point source discharges from the application of pesticides to waters of the U.S. This situation is the result of a 2009 decision of the 6th Circuit U.S. Court of Appeals that not only ignores Congressional intent but is unprecedented in the four-decade history of the law. These permits provide virtually no environmental benefit because in fact all pesticide applications are already stringently regulated through the Federal Insecticide Fungicide and Rodenticide Act (FIFRA), including applications to and near water bodies. EPA's FIFRA registration program contains specific consideration for such use patterns.

Concerns - Many Western water users are significantly impacted by the court order declaring that certain lawful pesticide applications that are already regulated under FIFRA are nevertheless subject to Clean Water Act NPDES permits issued by EPA or delegated states:

- ☛ The permits' compliance requirements impose resource and liability burdens on thousands of farms, ranches and agencies legally responsible for protecting public health, and exposes them to citizen law suits over infractions as minor as simple paperwork violations.
- ☛ Ultimately, we believe that the permit jeopardizes public health protection and the economy as regulators and businesses expend time and resources to implement and comply with these permits, all for no additional environmental benefits.
- ☛ The duplicative requirements affect all levels of government and industry, causing further unfunded mandates on fragile industries and governments, creating additional red tape, squeezing existing resources, and threatening further legal liabilities.

Family Farm Alliance Position –

- ☛ The Alliance last year formally supported HR 935, the Reducing Regulatory Burdens Act of 2013, which was intended to remedy this problem.
- ☛ This NPDES legislation is identical to HR 872 from last Congress.
- ☛ The Alliance also supported including this legislation in the House farm bill; however, it did not make it into the final farm bill House-Senate conference report.

Implementation of the Endangered Species Act and Implications to Irrigated Agriculture

- ☞ The ESA that was originally crafted with the intent to employ a collaborative, cooperative, incentive-driven approach is now being driven by litigation and narrowly focused agency implementation. –Currently these same federal agencies are engaging in litigation settlements with the same activist environmental organizations who are suing them, with little or no transparency in the settlement discussions. We now have the potential to have hundreds of new species added to the ESA list, with no consideration for recovering the species that are already listed under the Act.
- ☞ Many of our members have directly seen what improper and ineffective administration of the ESA can do to rural communities.
 - Farmers and ranchers in the Klamath Basin had their 95-year reliable water supply curtailed in 2001 to meet the alleged needs of 3 fish species protected by the ESA.
 - Water users in the San Joaquin Valley were nearly devastated in 2009 when California Bay-Delta water was deemed to be more important to ESA-protected smelt than to farmers and ranchers.

In both the Klamath and San Joaquin Valley instances, tremendous impacts were felt by landowners, water users, their local communities, other species and the environment. Meanwhile, benefits to the “listed” species of concern were questionable at best, or even unknown. In fact, the National Academies of Science refuted the science used in the Klamath to shut off irrigation water to the federal irrigation project.

- ☞ Right now, our farmers and ranchers in California’s San Joaquin Valley are facing a dire situation, which could turn into a potential disaster next year. In large part due to large blocks of CVP storage water dedicated in the past to ESA-“protected” fish, up to 500,000 acres of prime farmland could lie fallow next year due to significant drought conditions. That’s an area more than half the size of Rhode Island.
- ☞ There is considerable discretion in HOW the ESA is implemented. Even though the ESA does not require the human consequences of their decisions to be considered, it does not prohibit such consideration.
- ☞ Understanding the impacts on people that come with ESA decisions is simply good public policy. To ignore how people are affected is simply bad public policy.
- ☞ Farmers and ranchers in California and other parts of the West should be even more concerned that the current Administration will be making listing decisions on nearly 800 species by 2016 as a result of litigation settlement agreements that appear to have been negotiated with litigious environmental groups behind closed doors. This means that many other areas of the West will face the dire prospects of dealing with regulatory drought, as once-secure water supplies are redirected to meet the needs of yet another newly listed ESA-protected species.
- ☞ In California and elsewhere, the agencies need to step back and rethink the consequences of their actions. Through restrictive ESA decisions, we are disrupting America’s most important and valuable asset - our ability to grow enough high quality food to consistently and securely feed our own people and the world.
- ☞ **Recommendation:** The goals of the ESA are laudable. However, these decades-old laws are in need of some targeted reforms, including common-sense changes to make them work better, encourage incentive-driven recovery efforts, and discourage litigation (and clandestine litigation settlements). The attached testimony developed by the Family Farm Alliance provides specific recommendations towards this end.

Drought vs. Regulatory Drought

- ☞ A large area of the West is blanketed by moderate to severe drought, with pockets of extreme to exceptional drought centered in northern Nevada, parts of Colorado and New Mexico, and California's Central Valley.
- ☞ The biggest news in the West continues to be the ongoing dry weather pattern across much of California that could have severe impacts on the economy.
- ☞ The situation in California also merits further consideration, since the looming water crisis there is not solely due to Mother Nature. A significant cause for the lack of stored water in California is the complicated and nonsensical way in which laws have been implemented by federal agencies in recent years.
- ☞ This is an important issue, not just to the family farms and ranches that have long relied upon Central Valley Project water, but to producers in other Western states, as well. After all, federal water policies often start in California and slowly spread outward to other parts of the country.
- ☞ Even with normal hydrology this winter (which does not look realistic at this time), and with minimal to moderate water being dedicated to Endangered Species Act (ESA)-"protected" fish, water managers are expecting a 0-5% water allocation for the federal Central Valley Project (CVP) in 2014 under the existing ESA paradigm that has been imposed on California's Bay-Delta. That translates to 300,000-500,000 acres of prime irrigated farm land laying fallow next year.
- ☞ The farmers and ranchers in the San Joaquin Valley are facing a very difficult situation, and many people do not even realize that the looming water crisis is due in large part to regulations exercised in recent years, although Mother Nature is certainly contributing to the problem.
- ☞ Notably, the water cutbacks that have already occurred are not increasing the populations of ESA listed salmon and the delta smelt.
- ☞ The current implementation of the ESA and other environmental laws in the past has redirected once-reliable water supplies to the apparent needs of fish protected by the ESA. The loss of that water and resulting loss of productive farm land is already chipping away at rural communities on the west side of the Valley - schools are closing, vendors are going broke, and families and friends are fighting as the law creates "haves" and "have nots". This year, those communities could be permanently crippled if the current ESA-driven management style in the California Bay-Delta does not change in a way that injects common-sense discretion and balance into the decision-making process.
- ☞ Given the zero CVP water supply allocation projected for the coming water year, rescheduled water (aka "carryover water") is critical to the survival of CVP water users. If water agencies located south of the Delta had not spent millions of dollars to purchase and reserve supplemental water for next year, there would be NO CVP water in San Luis Reservoir. Those agencies and their customers have spent approximately \$200,000,000 to secure and preserve this critical water supply.
 - It appears now that this carryover water may be at risk of being reallocated.
 - Failure to deliver that water would be unfair, and financially ruinous to water customers, their employees, their families and the communities that depend on this water supply.
 - Reclamation has been apprised of the disastrous consequences should this water be withheld from the public water supply agencies that made these extraordinary investments.
- ☞ Expanded surface storage in California, while not helpful to this year's water woes, would be hugely beneficial during the next dry year. We know there are opportunities to develop new projects in the Central Valley and elsewhere.

Aging Water Infrastructure

Aging Federal water infrastructure in the West must be addressed promptly and with priority commitments, as failure to reinvest in critical facilities will negate economic gains of past generations and create a failed legacy for future generations. Implementation of these recommendations would provide important first steps towards solving our aging water infrastructure problems, which include efficiency, modernization, and safety.

- Direct more funding to the Department of Interior WaterSMART grant program to implement appropriate water management projects that have been submitted but not approved for funding.
- Reaffirm and rework to allow for the loan guarantee authority provided in the Rural Water Supply Act to be utilized to finance the building of needed water infrastructure.
- Establish a direct loan program for local agricultural water districts. This would require full appropriation by Congress, over and above what Reclamation already funds. The program would provide low interest loans to irrigators and be repaid by them.

New water and power supplies must be developed to provide for recreational and environmental needs, allow for population growth and protect the economic vitality of the West. We commend the bipartisan, bicameral effort in Washington last year to pass laws that streamline permitting requirements for small hydropower proposals. Other recommendations to streamline water project development should be pursued:

- We need to find constructive ways for nonfederal entities to finance and build environmentally-sound water storage projects and/or improve existing federal water facilities to increase water supplies in the West.
- The federal government should adopt a policy of supporting new efforts to enhance water supplies and encouraging state and local interests to take the lead in the formulation of those efforts.
- Procedures for developing new supplies should be revised to make project approval less burdensome.
- The current mitigation procedures for federal agencies should be reviewed to determine the feasibility of clarifying and standardizing mitigation requirements.

The planning and construction of new water infrastructure that has a federal nexus will be significantly impacted by new federal guidelines that are currently being developed. The White House Council on Environmental Quality (CEQ) is continuing public engagement on the development of agency guidance to implement the Principles & Requirements (P&R) for Water & Land Related Resources Implementation Studies. The Alliance has concerns with this process and the latest public draft of the Interagency Guidelines (see June 2013 joint letter to CEQ for additional details):

- Overlaying the new, subjectively derived set of values reflected in the new P&R on virtually every federal infrastructure action that has a nexus to water goes beyond the intent of Congress (WRDA 2007) and could have a crippling effect on all Western water management activities.
- It is unclear how the various agencies involved with water will mesh implementation of individual agency guidelines on projects that involve more than one federal agency.

We have requested that CEQ direct agencies like the Bureau of Reclamation to develop specific examples that demonstrate how a particular project would be analyzed under current and proposed P&R methodologies.

From: Jean Sagouspe

Sent: Thursday, January 30, 2014 4:35 PM

To: Dave Houston; Dan Nelson ; David Bernhardt; Gary Sawyers; Jason Peltier; Julie MacDonald ; TOM BIRMINGHAM; Joe Findaro

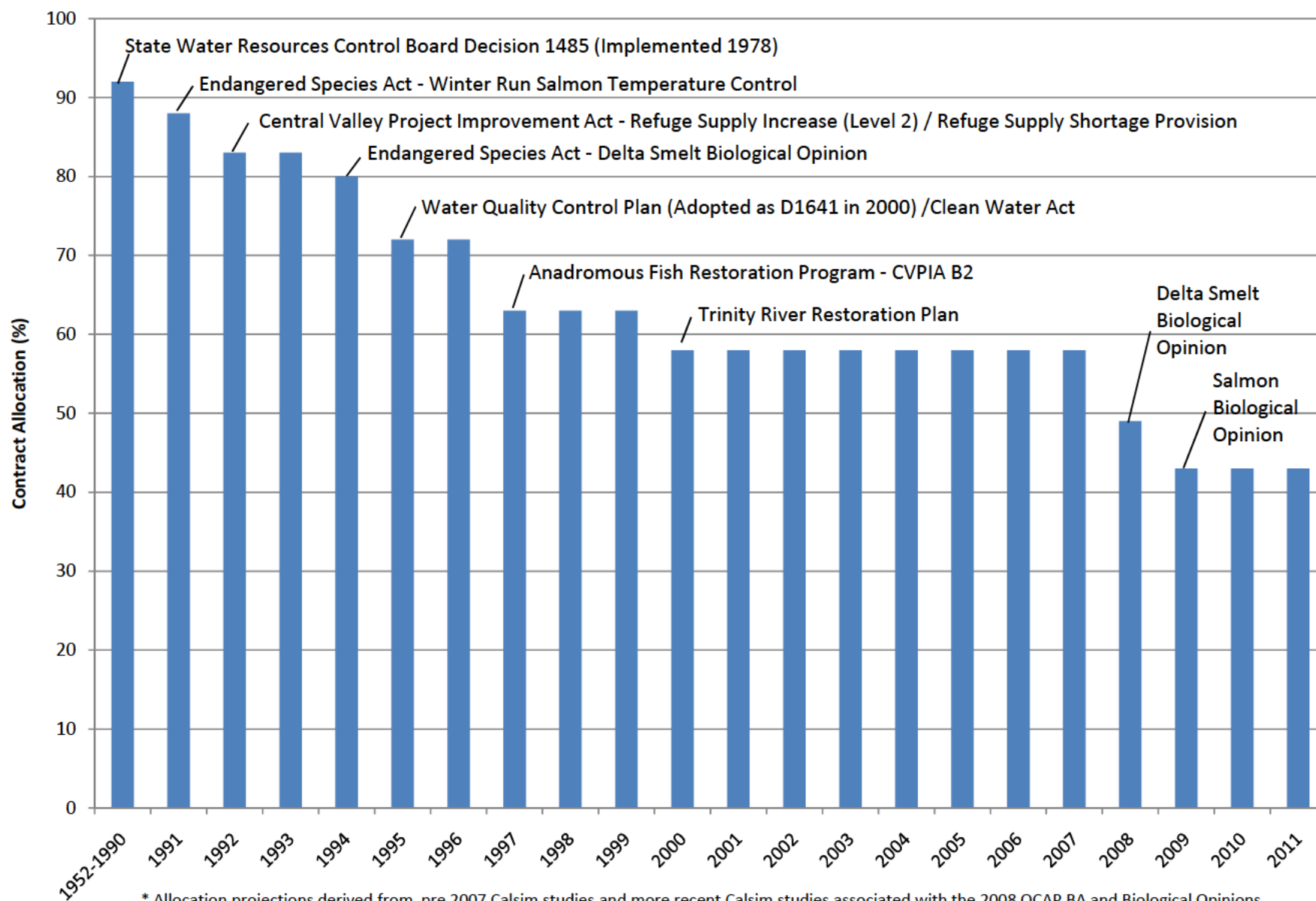
Subject: Feinstein letter

Attachments: History of regulatory layers.pdf; DOC013014.pdf

I sent this via email today! Just want all of you to be prepared in case of any fallout.

Jean

Long Term Average, CVP S. of Delta Ag Service Contract Allocation



**Jean P Sagouspe
259 I Street
Los Banos, CA 93635**

Senator Dianne Feinstein
Senate Hart Building
Washington DC

January 30, 201

Dear Dianne,

I am sure that you are as sick as I am about the current state of California's water crisis. This crisis is threatening not only the water supplies affecting me and my family but it is threatening the total economic structure and wellbeing of every citizen in our once great State. I've heard you express on several occasions your concerns about what an earthquake in the Delta would do to California's water supply. You are witnessing an equivalent event unfold with the only difference being it was not a single immediate event. This is without a doubt an especially sad commentary, as this whole mess we find ourselves in today was completely avoidable.

I've been trying to understand how we arrived at this point. I've been reflecting back on our 20 plus year relationship and as I began to recall the events that unfolded over that period of time, I am reminded of the many times I spoke to you about my concerns regarding this very issue. What I described to you was in fact the truth and now you can see the results first hand. I tried to help you understand the consequences of the never ending environmental regulations being imposed, but in the end you instead chose to believe the core group of environmental zealots. You can be the judge of the facts and the results.

It is true that today the drought is the leading concern, but don't succumb to the illusion that it is the only thing causing the shortage. The reality is that the projects were designed, developed and built to accommodate these exact types of dry cycles. The system has worked successfully on all of the many past drought cycles. The difference today is that all of the built in flexibility has been eroded away in favor of the many useless theories relating to allegations of suspected environmental wrong doing by the most recent diverters. Last year alone more than 1,000,000 acft were sent to the ocean because of discretionary actions taken by the federal agencies. Those decisions did not provide any real benefit to the fish and if not corrected will continue rob California of its scarce and much needed future water resources.

I find it extremely disturbing that only a few diverters are being held accountable for all of the problems in the Delta. Why are all of the other upstream diversions, the unscreened diversions within the Delta, as well as all of the illegal users not being held to the same standards and regulatory requirements? If there is so much concern for the Delta's well-being, why isn't every diversion being held accountable? Why is everyone looking the other way? Why is there only a focus on south of Delta users? Are we the expendable group? Surely you find this quite odd.

California's once world class multi use water storage and delivery system is totally broken! We can all thank Congressional meddling for passing CVPIA (Central Valley Project Improvement Act). It improved nothing but it sure has been the downfall of a once great project. The CVP and the SWP are what made California great. We have now gutted its capabilities to the point of collapse. CVPIA was sold on the premise that by adding a new environmental component as a project use, those new needs would be on an equal footing with prior uses and would be the only way to correct the Deltas problems. What has evolved is not a coequal use of resources but one priority user above all others. The inflexibility of ESA is used as the hammer to force misguided and personal agendas of a few upon the majority. It is simply wreaking havoc on project operations. (Please see the attached graph) ESA is simply an outdated law that is doing more harm than good to all, including its original intent of species protection.

The time for studies has passed. The time for action is now. You represent all of California and I do not understand why environmental organizations get to continually set the agenda. I've heard you often condemn water users as only wanting to gut the ESA. That is simply not true and makes no sense. However, the ESA does need to be fixed so that it works for everyone. The water users have done more in the way of protecting the environment than all of the environmental groups combined yet we receive no credit for what we have done. We are only condemned. You know this to be true as you have been witness to what we have done. I had hoped that the one thing that you took away from our relationship over the years was the understanding of who we are and that we actually want to help solve the problems. .

I sincerely hope that you don't actually think that the ESA is working for anyone, including the environment. Correct me if I'm wrong but I see absolutely no positive results from destroying the economic base of the State in the name of protecting the environment. If nothing else, you should look for results. I can find few if any positive results that you can point to. I refuse to believe that you don't see the need for some structural changes in the law to provide the necessary flexibility to manage the system for all uses.

This is not an insurmountable problem and I submit that there is a quite easy fix that would benefit all, especially the environment. However, unless some changes are made and some political will applied, nothing will fix the problem and everyone will continue to suffer needlessly.

I am very disappointed that we have gotten to this place after all that we have been through. The warning signs were all there but have been ignored. The time is now to finally deal with this issue. With the system broken, the environmental concerns will never be fixed. Crashing the most sophisticated irrigation and water delivery system ever engineered and built in the world seems like a poor option for all concerned.

This is truly a sad day in California history to watch the economic devastation unfold before our very eyes. I am flabbergasted when I see statements from you like your press release on January 29; it appears that all you care about are political victories. Senator, you also represent us. We are dying out here and we need your help in finding real solutions that can give us life and hope for the future. If you oppose what others advance then propose meaningful solutions of your own. We need you now!

Sincerely,



Jean P Sagouspe

From: Jason Peltier

Sent: Friday, January 31, 2014 10:16 AM

To: David Bernhardt; Dennis Cardoza; Joe Findaro; Ed Manning; Carolyn Jensen (cjensen@ka-pow. com); Michael Burns

CC: T Birmingham (tbirmingham@westlandswater. org); Dan Nelson <Dan. Nelson@sldmwa. org>; Ara.azhderian@sldmwa.org; Frances Mizuno; Tom Boardman; Jose Gutierrez

Subject: FW: MEDIA ADVISORY: Department of Water Resources, State Water Resources Control Board Make Major Announcement

Will also include SWRCB announcements.



MEDIA ADVISORY

Department of Water Resources, State Water Resources Control Board Make Major Announcement

WHAT: The Director of the Department of Water Resources and the Chair of the State Water Resources Control Board will discuss the drought and water deliveries.

WHEN: Friday, January 31, 2014 at 11:30 a.m.

WHERE: Resources Building
1416 Ninth Street (corner of 9th and N St.)
Room 1131 (Department of Water Resources, 11th floor)
Note: MEDIA ONLY – Only credentialed media will be admitted. Please allow time to clear security.

Call-In Number: (800) 230-1093
Note: This line is for media only.

WHO: Mark Cowin, Director, Department of Water Resources
Felicia Marcus, Chair, State Water Resources Control Board
Tom Howard, Executive Director, State Water Resources Control Board
Charlton H. Bonham, Director, Department of Fish and Wildlife
David Murillo, Mid-Pacific Regional Director, U.S. Bureau of Reclamation
Maria Rea, Supervisor, Sacramento Area Office, National Marine Fisheries Service

ADDITIONAL INFORMATION:

With California facing its driest year on record, Governor Brown declared a [drought State of Emergency](#) earlier this month and directed state officials to take all necessary actions to prepare for water shortages. This week, CAL FIRE announced it hired 125 [additional firefighters](#) to help address the increased fire threat due to drought conditions, the California Department of Public Health identified and offered [assistance](#) to communities at risk of severe drinking water shortages and the California Department of Fish and Wildlife [restricted fishing](#) on some waterways due to low water flows worsened by the drought. Also this week, the California Natural Resources Agency, the California Environmental Protection Agency and the California Department of Food and Agriculture released the [California Water Action Plan](#), which will guide state efforts to enhance water supply reliability, restore damaged and destroyed ecosystems and improve the resilience of our infrastructure.

Governor Brown has called on all Californians to voluntarily reduce their water usage by 20 percent and the [Save Our Water](#) campaign announced four new [public service announcements](#) that encourage residents to conserve. Last December, the Governor formed a [Drought Task Force](#) to review expected water allocations and California's preparedness for water scarcity. In May 2013, Governor Brown issued an [Executive Order](#) to direct state water officials to expedite the review and processing of voluntary transfers of water and water rights.

###

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From: Bernhardt, David L.
Sent: Friday, January 31, 2014 12:22 PM
To: Jason Peltier (jpeltier@westlandswater.org)
Subject: FW: House to Consider Multiple Natural Resources Bills Next Week



Committee on Natural Resources U.S. House of Representatives

Chairman Doc Hastings

FOR IMMEDIATE RELEASE
Friday, January 31, 2014
[Permalink](#)

CONTACT: [Press Office](#)
202-226-9019

House to Consider Multiple Natural Resources Bills Next Week

WASHINGTON, D.C. – Next week, the U.S. House of Representatives will consider legislation from the House Natural Resources Committee that will address the emergency drought in California by restoring some water supplies, protect the rights of sportsmen to hunt and fish, and remove red-tape to local land management and economic development.

“The bills the House will consider next week are extremely important to protecting jobs and local economies in communities across the country,” said House Natural Resources Committee Chairman Doc Hastings (WA-04). “We’ll address emergency situations in California involving the drought worsened by federal regulations and Rim Fire timber salvage and restoration; ensure government roadblocks do not block access to hunting and fishing on certain public lands; and advance numerous local land projects that are vital to economic growth.”

H.R. 3964, Sacramento-San Joaquin Valley Emergency Water Delivery Act

H.R. 3964, introduced by the Republican California delegation, addresses the emergency drought in California by restoring some water supplies to provide job certainty to farmers and communities. The lack of rainfall has exacerbated the man-made drought caused by federal regulations and environmental lawsuits that put a three-inch fish over people. On January 17, 2014, California Governor Jerry Brown declared a state of emergency for California due to the drought. This bill is a comprehensive solution that would restore some water deliveries, ensure a reliable water supply, and save taxpayer money by ending unnecessary and dubious government projects.

H.R. 3590, the Sportsmen's Heritage and Recreational Enhancement Act

H.R. 3590, the *Sportsmen's Heritage and Recreational Enhancement Act*, is a bipartisan package of eight individual bills to protect the traditional right of American sportsmen to fish and hunt. It will remove government roadblocks to these activities on certain public lands and guard against new regulations that threaten to block or limit access to hunting and fishing. The bill will protect American jobs and economic growth by supporting recreational opportunities on these federal lands. Bills in the package include:

- H.R. 322, the Hunting, Fishing and Recreational Shooting Protection Act (Miller-FL)
- H.R. 2463, Target Practice and Marksmanship Training Support Act (Hunter)
- H.R. 2798, Public Lands Filming (Latta)
- H.R. 1818, Polar Bear Conservation and Fairness Act (Young-AK)
- H.R. 1206, Permanent Electronic Duck Stamp Act (Wittman)
- H.R. 2046, Recreational Lands Self Defense Act (Gibbs)
- H.R. 2799, Wildlife and Hunting Heritage Conservation Council Advisory Committee (Latta)
- H.R. 1825, Recreational Fishing and Hunting Heritage and Opportunities Act (Benishek)

H.R. 2954, The Public Access and Lands Improvement Act

H.R. 2954 is a bipartisan package of 10 bills to protect and promote public access to lands; improve opportunities by removing red tape that stands in the way of responsible, local economic development and jobs; and encourage transparent, community-centered land management. Bills in the package include:

- H.R. 2954, Escambia County, FL Land Conveyance (Miller-FL)
- H.R. 585, Anchorage Land Conveyance (Young-AK)
- H.R. 1170, Fernley, NV Land Conveyance (Amodei)
- H.R. 2095, Land Disposal Transparency and Efficiency Act (Bishop)
- H.R. 819, Preserving Access to Cape Hatteras National Seashore Recreational Area Act (Jones)
- H.R. 908, Green Mountain Lookout Heritage Protection Act (DelBene)
- H.R. 3492, River Paddling Protect Act (Lummis)
- H.R. 657, Grazing Improvement Act (Labrador)
- H.R. 3188, Rim Fire Emergency Salvage Act (McClintock)
- H.R. 739, Chesapeake Bay Accountability and Recovery Act (Wittman)

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NaturalResources.house.gov



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From: Ara Azhderian
Sent: Friday, January 31, 2014 3:01 PM
To: Dan Nelson; Tom Birmingham (Office); Jason Peltier; Dennis Cardoza; Joe Findaro; David Bernhardt
Subject: FW: HR 3964
Attachments: Redline CVPIA.DOC

Hi all,

In case this is helpful, attached is a redline of CVPIA reflecting the changes that HR 1837 would implement.

Best,
ara

From: Marklund, Chris [mailto:Chris.Marklund@mail.house.gov]
Sent: Friday, January 31, 2014 1:06 PM
To: Ara Azhderian
Subject: RE: HR 3964

Hi Ara,

Given the pace our bill has moved, we have not had time to make up a redline. However, our bill is very similar to HR 1837 that passed the House previously. A redline for H.R. 1837 as it relates to CVPIA is attached. You can find a summary and section by section of Mr. Valadao's bill – HR 3964 – by visiting <http://valadao.house.gov/information/waterdeliveryact.htm>

I hope that helps.

Chris

--

Chris Marklund
Legislative Director
Rep. David Valadao
1004 Longworth House Office Building
Washington, DC 20024
Ph: 202-225-4695
Fax: 202-225-3196
Chris.Marklund@mail.house.gov

Please follow Rep. David G. Valadao on Facebook, Twitter, and Instagram



CENTRAL VALLEY PROJECT IMPROVEMENT ACT

PUBLIC LAW 102-575 TITLE XXXIV

SEC. 3401. SHORT TITLE.

This title may be cited as the 'Central Valley Project Improvement Act'.

SEC. 3402. PURPOSES.

The purposes of this title shall be--

- (a) to protect, restore, and enhance fish, wildlife, and associated habitats in the Central Valley and Trinity River basins of California;
- (b) to address impacts of the Central Valley Project on fish, wildlife and associated habitats;
- (c) to improve the operational flexibility of the Central Valley Project;
- (d) to increase water-related benefits provided by the Central Valley Project to the State of California through expanded use of voluntary water transfers and improved water conservation;
- (e) to contribute to the State of California's interim and long-term efforts to protect the San Francisco Bay/Sacramento-San Joaquin Delta Estuary;
- (f) to achieve a reasonable balance among competing demands for use of Central Valley Project water, including the requirements of fish and wildlife, agricultural, municipal and industrial and power contractors;
- (g) to ensure that water dedicated to fish and wildlife purposes by this title is replaced and provided to Central Valley Project water contractors by December 31, 2016, at the lowest cost reasonably achievable; and
- (h) to facilitate and expedite water transfers in accordance with this Act;

SEC. 3403. DEFINITIONS.

As used in this title--

- ~~(a) the term 'anadromous fish' means those stocks of salmon (including steelhead), striped bass, sturgeon, and American shad that ascend the Sacramento and San Joaquin rivers and their tributaries and the Sacramento-San Joaquin Delta to reproduce after maturing in San Francisco Bay or the Pacific Ocean;~~
- (a) the term 'anadromous fish' means those native stocks of salmon (including steelhead) and sturgeon that, as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and their tributaries and ascend those rivers and their tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean;
- (b) the terms 'artificial propagation' and 'artificial production' mean spawning, incubating, hatching, and rearing fish in a hatchery or other facility constructed for fish production;

(c) the term 'Central Valley Habitat Joint Venture' means the association of Federal and State agencies and private parties established for the purpose of developing and implementing the North American Waterfowl Management Plan as it pertains to the Central Valley of California;

(d) the terms 'Central Valley Project' or 'project' mean all Federal reclamation projects located within or diverting water from or to the watershed of the Sacramento and San Joaquin rivers and their tributaries as authorized by the Act of August 26, 1937 (50 Stat. 850) and all Acts amendatory or supplemental thereto, including but not limited to the Act of October 17, 1940 (54 Stat. 1198, 1199), Act of December 22, 1944 (58 Stat. 887), Act of October 14, 1949 (63 Stat. 852), Act of September 26, 1950 (64 Stat. 1036), Act of August 27, 1954 (68 Stat. 879), Act of August 12, 1955 (69 Stat. 719), Act of June 3, 1960 (74 Stat. 156), Act of October 23, 1962 (76 Stat. 1173), Act of September 2, 1965 (79 Stat. 615), Act of August 19, 1967 (81 Stat. 167), Act of August 27, 1967 (81 Stat. 173), Act of October 23, 1970 (84 Stat. 1097), Act of September 28, 1976 (90 Stat. 1324) and Act of October 27, 1986 (100 Stat. 3050);

(e) the term 'Central Valley Project service area' means that area of the Central Valley and San Francisco Bay Area where water service has been expressly authorized pursuant to the various feasibility studies and consequent congressional authorizations for the Central Valley Project;

(f) the term 'Central Valley Project water' means all water that is developed, diverted, stored, or delivered by the Secretary in accordance with the statutes authorizing the Central Valley Project and in accordance with the terms and conditions of water rights acquired pursuant to California law;

(g) the term 'full cost' has the meaning given such term in paragraph (3) of section 202 of the Reclamation Reform Act of 1982;

(h) the term 'natural production' means fish produced to adulthood without direct human intervention in the spawning, rearing, or migration processes;

(i) the term 'Reclamation laws' means the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto;

(j) the term 'Refuge Water Supply Report' means the report issued by the Mid-Pacific Region of the Bureau of Reclamation of the U.S. Department of the Interior entitled Report on Refuge Water Supply Investigations, Central Valley Hydrologic Basin, California (March 1989);

(k) the terms 'repayment contract' and 'water service contract' have the same meaning as provided in sections 9(d) and 9(e) of the Reclamation Project Act of 1939 (53 Stat. 1187, 1195), as amended;

(l) the terms 'Restoration Fund' and 'Fund' mean the Central Valley Project Restoration Fund established by this title; and,

(m) the term 'Secretary' means the Secretary of the Interior.

SEC. 3404. LIMITATION ON CONTRACTING AND CONTRACT REFORM.

~~(a) NEW CONTRACTS Except as provided in subsection (b) of this section, the Secretary shall not enter into any new short term, temporary, or long term contracts or agreements for water supply from the Central Valley Project for any purpose other than fish and wildlife before:~~

~~(1) the provisions of subsections 3406(b) (d) of this title are met;~~

~~(2) the California State Water Resources Control Board concludes the review ordered by the California Court of Appeals in United States v. State Water Resources Control Board, 182 Cal. App. 3d 82 (1986) and determines the means of implementing its decision, including the obligations of the Central Valley Project, if any, and the Administrator of the Environmental Protection Agency shall have approved such decision pursuant to existing authorities; and,~~

~~(3) at least one hundred and twenty days shall have passed after the Secretary provides a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives explaining the obligations, if any, of the Central Valley Project system, including its component facilities and contracts, with regard to achieving its responsibilities for the San Francisco Bay/Sacramento San Joaquin Delta Estuary as finally established and approved by relevant State and Federal authorities, and the impact of such obligations on Central Valley Project operations, supplies, and commitments.~~

~~(b) EXCEPTIONS TO LIMIT ON NEW CONTRACTS The prohibition on execution of new contracts under subsection (a) of this section shall not apply to contracts executed pursuant to section 305 of Public Law 102 250 or section 206 of Public Law 101 514 or to one year contracts for delivery of surplus flood flows or contracts not to exceed two years in length for delivery of class II water in the Friant Unit. Notwithstanding the prohibition in the Energy and Water Development Appropriations Act of 1990, the Secretary is authorized, pursuant to section 203 of the Flood Control Act of 1962, to enter into a long term contract in accordance with the Reclamation laws with the Tuolumne Regional Water District, California, for the delivery of water from the New Melones project to the county's water distribution system and a contract with the Secretary of Veteran Affairs to provide for the delivery in perpetuity of water from the project in quantities sufficient, but not to exceed 850 acre feet per year, to meet the needs of the San Joaquin Valley National Cemetery, California.~~

~~(c) RENEWAL OF EXISTING LONG TERM CONTRACTS Notwithstanding the provisions of the Act of July 2, 1956 (70 Stat. 483), the Secretary shall, upon request, renew any existing long term repayment or water service contract for the delivery of water from the Central Valley Project for a period of twenty five years and may renew such contracts for successive periods of up to 25 years each.~~

~~(1) No such renewals shall be authorized until appropriate environmental review, including the preparation of the environmental impact statement required in section 3409 of this title, has been completed. Contracts which expire prior to the completion of the environmental impact statement required by section 3409 may be renewed for an interim period not to exceed three years in length, and for successive interim periods of not more than two years in length, until the environmental impact statement required by section 3409 has been finally completed, at which time such interim renewal contracts shall be eligible for long term renewal as provided above. Such interim renewal contracts shall be modified to comply with existing law, including provisions of this title. With respect to all contracts renewed by the Secretary since January 1, 1988, the Secretary shall incorporate in said contracts a provision requiring payment of the charge mandated in subsection 3406(c) and subsection 3407(b) of this title and all other modifications needed to comply with existing law, including provisions of this title. This title shall be deemed 'applicable law' as that term is used in Article 14(c) of contracts renewed by the Secretary since January 1, 1988.~~

~~(2) Upon renewal of any long term repayment or water service contract providing for the delivery of water from the Central Valley Project, the Secretary shall incorporate all requirements imposed by existing law, including provisions of this title, within such renewed contracts. The Secretary shall also~~

~~administer all existing, new, and renewed contracts in conformance with the requirements and goals of this title.~~

~~(3) In order to encourage early renewal of project water contracts and facilitate timely implementation of this title, the Secretary shall impose on existing contractors an additional mitigation and restoration payment of one and one half times the annual mitigation and restoration payment calculated under subsection 3407(d) of this title for every year starting October 1, 1997 or January 1 of the year following the year in which the environmental impact statement required under section 3409 is completed, whichever is sooner, and ending on the effective date of the renewed contract payable prior to the renewal of such contract, to be covered to the Restoration Fund: *Provided, however,* That this paragraph shall not apply to contracts renewed after January 1, 1988, and prior to the date of enactment of this title or, in the event the environmental impact statement required by section 3409 is not completed by October 1, 1997, to any holder of a contract in existence on the date of enactment of this title who enters into a binding agreement with the Secretary prior to October 1, 1997, to renew its contract immediately upon completion of that environmental impact statement, if such contract has not expired prior to such date.~~

(a) RENEWAL OF EXISTING LONG-TERM CONTRACTS.—Upon request of the contractor, the Secretary shall renew any existing long-term repayment or water service contract that provides for the delivery of water from the Central Valley Project for a period of 40 years, and renew such contracts for successive periods of 40 years each.

(b) DELIVERY CHARGE.—Beginning on the date of the enactment of this Act, a contract entered into or renewed pursuant to this section shall include a provision that requires the Secretary to charge the other party to such contract only for water actually delivered by the Secretary.

SEC. 3405. WATER TRANSFERS, IMPROVED WATER MANAGEMENT AND CONSERVATION.

(a) WATER TRANSFERS- In order to assist California urban areas, agricultural water users, and others in meeting their future water needs, subject to the conditions and requirements of this subsection, all individuals or districts who receive Central Valley Project water under water service or repayment contracts, water rights settlement contracts or exchange contracts entered into prior to or after the date of enactment of this title are authorized to transfer all or a portion of the water subject to such contract to any other California water user or water agency, State or Federal agency, Indian tribe, or private nonprofit organization for project purposes or any purpose recognized as beneficial under applicable State law.- The Secretary shall take all necessary actions to facilitate and expedite transfers of Central Valley Project water in accordance with such Act or any other provision of Federal reclamation law and the National Environmental Policy Act of 1969. Except as provided herein, the terms of such transfers shall be set by mutual agreement between the transferee and the transferor.

(1) CONDITIONS FOR TRANSFERS- All transfers to Central Valley Project water authorized by this subsection shall be subject to review and approval by the Secretary under the conditions specified in this subsection. Transfers involving more than 20 percent of the Central Valley Project water subject to long-term contract within any contracting district or agency shall also be subject to review and approval by such district or agency under the conditions specified in this subsection:

(A) No transfer or combination ~~to combination~~ of transfers authorized by this subsection shall exceed, in any year, the average annual quantity of water under contract actually delivered to the contracting district or agency during the last three years of normal water delivery prior to the date of enactment of this title.

(B) All water under the contract which is transferred under authority of this subsection to any district or agency which is not a Central Valley Project contractor at the time of enactment of this title shall, if used for irrigation purposes, be repaid at the greater of the full-cost or cost of service rates, or, if the water is used for municipal and industrial purposes, at the greater of the cost of service or municipal and industrial rates.

(C) No transfers authorized by this subsection shall be approved unless the transfer is between a willing buyer and a willing seller under such terms and conditions as may be mutually agreed upon.

(D) No transfer authorized by this subsection shall be approved unless the transfer is consistent with State law, including but not limited to provisions of the California Environmental Quality Act.

(E) All transfers authorized by this subsection shall be deemed a beneficial use of water by the transferor for the purposes of section 8 of the Act of June 17, 1902, 32 Stat. 390, 43 U.S.C. 372.

(F) All transfers entered into pursuant to this subsection for uses outside the Central Valley Project service area shall be subject to a right of first refusal on the same terms and conditions by entities within the Central Valley Project service area. The right of first refusal must be exercised within ninety days from the date that notice is provided of the proposed transfer. Should an entity exercise the right of first refusal, it must compensate the transferee who had negotiated the agreement upon which the right of first refusal is being exercised for that entity's total costs associated with the development and negotiation of the transfer.

(G) No transfer authorized by this subsection shall be considered by the Secretary as conferring supplemental or additional benefits on Central Valley Project water contractors as provided in section 203 of Public Law 97-293 (43 U.S.C. 390(cc)).

(H) The Secretary shall not approve a transfer authorized by this subsection unless the Secretary has determined, consistent with paragraph 3405(a)(2) of this title, that the transfer will not violate the provisions of this title or other Federal law and will have no significant adverse effect on the Secretary's ability to deliver water pursuant to the Secretary's Central Valley Project contractual obligations or fish and wildlife obligations under this title because of limitations in conveyance or pumping capacity.

(I) The water subject to any transfer undertaken pursuant to this subsection shall be limited to water that would have been consumptively used or irretrievably lost to beneficial use during the year or years of the transfer.

(J) The Secretary shall not approve a transfer authorized by this subsection unless the Secretary determines, consistent with paragraph 3405(a)(2) of this title, that such transfer will have no significant long-term adverse impact on groundwater conditions in the transferor's service area.

(K) The Secretary shall not approve a transfer unless the Secretary determines, consistent with paragraph 3405(a)(2) of this title, that such transfer will have no unreasonable impact on the water supply, operations, or financial conditions of the transferor's contracting district or agency or its water users.

(L) The Secretary shall not approve a transfer if the Secretary determines, consistent with paragraph 3405(a)(2) of this title, that such transfer would result in a significant reduction in the quantity or decrease in the quality of water supplies currently used for fish and wildlife purposes, unless the Secretary determines pursuant to findings setting forth the basis for such determination that such adverse effects would be more than offset by the benefits of the proposed transfer. In the event of such a determination, the Secretary shall develop and implement alternative measures and mitigation activities as integral and concurrent elements of any such transfer to provide fish and wildlife benefits substantially equivalent to those lost as a consequence of such transfer.

(M) Transfers between Central Valley Project contractors within countries, watersheds, or other areas of origin, as those terms are utilized under California law, shall be deemed to meet the conditions set forth in subparagraphs (A) and (I) of this paragraph.

(2) REVIEW AND APPROVAL OF TRANSFERS- All transfers subject to review and approval under this subsection shall be reviewed and approved in a manner consistent with the following:

(A) Decisions on water transfers subject to review by a contracting district or agency or by the Secretary shall be rendered within ninety days of receiving a written transfer proposal from the transferee or transferor. Such written proposal should provide all information reasonably necessary to determine whether the transfer complies with the terms and conditions of this subsection.

(B) All transfers subject to review by a contracting district or agency shall be reviewed in a public process similar to that provided for in section 226 of Public Law 97-293.

(C) The contracting district or agency or the Secretary shall approve all transfers subject to review and approval by such entity if such transfers are consistent with the terms and conditions of this subsection. To disapprove a transfer, the contracting district or agency or the Secretary shall inform the transferee and transferor, in writing, why the transfer does not comply with the terms and conditions of this subsection and what alternatives, if any, could be included so that the transfer would reasonably comply with the requirements of this subsection.

(D) If the contracting district or agency or the Secretary fails to approve or disapprove a proposed transfer within ninety days of receiving a complete written proposal from the transferee or transferor, then the transfer shall be deemed approved.

(E) The contracting district from which the water is coming, the agency, or the Secretary shall determine if a written transfer proposal is complete within 45 days after the date of submission of such proposal. If such district or agency or the Secretary determines that such proposal is incomplete, such district or agency or the Secretary shall state with specificity what must be added to or revised in order for such proposal to be complete.

(F) Except as provided in this section, the Secretary shall not impose mitigation or other requirements on a proposed transfer, but the contracting district from which the water is coming or the agency shall retain all authority under State law to approve or condition a proposed transfer.

(3) Transfers executed after September 30, 1999 shall only be governed by the provisions of subparagraphs 3405(a)(1)(A)-(C), (E), (G), (H), (I), (L), and (M) of this title, and by State law.

(4) Notwithstanding any other provision of Federal reclamation law—

(A) the authority to make transfers or exchanges of, or banking or recharge arrangements using, Central Valley Project water that could have been conducted before October 30, 1992, is valid, and such transfers, exchanges, or arrangements shall not be subject to, limited, or conditioned by this title; and

(B) this title shall not supersede or revoke the authority to transfer, exchange, bank, or recharge Central Valley Project water that existed prior to October 30, 1992.

(b) ~~MEASUREMENT- METERING-OF WATER USE REQUIRED-~~ All Central Valley Project water service or repayment contracts for agricultural, municipal, or industrial purposes that are entered into, renewed, or amended under any provision of Federal Reclamation law after the date of enactment of this title, shall provide that the contracting district or agency shall ensure that all surface water delivery systems within its boundaries are equipped with water measuring devices or water measuring methods of comparable effectiveness acceptable to the Secretary within five years of the date of contract execution, amendment, or renewal, and that any new surface water delivery systems installed within its boundaries on or after the date of contract renewal are so equipped. The contracting district or agency, not including contracting districts serving multiple agencies with separate governing boards, shall ensure that all contractor-owned water delivery systems within its boundaries measure surface water at the district or agency's facilities up to the point the surface water is commingled with other water supplies. The contracting district or agency shall inform the Secretary and the State of California annually as to the monthly volume of surface water delivered within its boundaries.

(c) STATE AND FEDERAL WATER QUALITY STANDARDS- All Central Valley Project water service or repayment contracts for agricultural, municipal, or industrial purposes that are entered into, renewed, or amended under any provision of Federal Reclamation law after the date of enactment of this title, shall provide that the contracting district or agency shall be responsible for compliance with all applicable State and Federal water quality standards applicable to surface and subsurface agricultural drainage discharges generated within its boundaries. This subsection shall not affect or alter any legal obligation of the Secretary to provide drainage services.

~~(d) WATER PRICING REFORM—All Central Valley Project water service or repayment contracts for a term longer than three years for agricultural, municipal, or industrial purposes that are entered into, renewed, or amended under any provision of Federal Reclamation law after the date of enactment of this title shall provide that all project water subject to contract shall be made available to districts, agencies, and other contracting entities pursuant to a system of tiered water pricing. Such a system shall specify rates for each district, agency or entity based on an inverted block rate structure with the following provisions:~~

~~(1) the first rate tier shall apply to a quantity of water up to 80 percent of the contract total and shall not be less than the applicable contract rate;~~

~~(2) the second rate tier shall apply to that quantity of water over 80 percent and under 90 percent of the contract total and shall be at a level halfway between the rates established under paragraphs (1) and (3) of this subsection;~~

~~(3) the third rate tier shall apply to that quantity of water over 90 percent of the contract total and shall not be less than the full cost rate; and~~

~~(4) the Secretary shall charge contractors only for water actually delivered.~~

~~The Secretary shall waive application of this subsection as it relates to any project water delivered to produce a crop which the Secretary determines will provide significant and quantifiable habitat values for waterfowl in fields where the water is used and the crops are produced: *Provided*, That such waiver shall apply only if such habitat values can be assured consistent with the purposes of this title through binding agreements executed with or approved by the Secretary.~~

(~~d~~e) WATER CONSERVATION STANDARDS- The Secretary shall establish and administer an office of Central Valley Project water conservation best management practices that shall, in consultation with the Secretary of Agriculture, the California Department of Water Resources, California academic institutions, and Central Valley Project water users, develop criteria for evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by section 210 of the Reclamation Reform Act of 1982.

(1) Criteria developed pursuant to this subsection shall be established within six months following enactment of this title and shall be reviewed periodically thereafter, but no less than every three years, with the purpose of promoting the highest level of water use efficiency reasonably achievable by project contractors using best available cost-effective technology and best management practices. The criteria shall include, but not be limited to agricultural water suppliers' efficient water management practices developed pursuant to California State law or reasonable alternatives.

(2) The Secretary, through the office established under this subsection, shall review and evaluate within 18 months following enactment of this title all existing conservation plans submitted by project contractors to determine whether they meet the conservation and efficiency criteria established pursuant to this subsection.

(3) In developing the water conservation best management practice criteria required by this subsection, the Secretary shall take into account and grant substantial deference to the recommendations for action specific to water conservation and drainage source reduction proposed in the Final Report of the San Joaquin Valley Drainage Program, entitled A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley (September 1990).

~~(f) INCREASED REVENUES—All revenues received by the Secretary as a result of the increased repayment rates applicable to water transferred from irrigation use to municipal and industrial use under subsection 3405(a) of this section, and all increased revenues received by the Secretary as a result of the increased water prices established under subsection 3405(d) of this section, shall be covered to the Restoration Fund.~~

(e) RESTORATION FUND.—All revenues received by the Secretary that exceed the cost-of-service rate applicable to the delivery of water transferred from irrigation use to municipal and industrial use under subsection (a) shall be deposited into the Restoration Fund, as established under section 3407.

SEC. 3406. FISH, WILDLIFE AND HABITAT RESTORATION.

(a) AMENDMENTS TO CENTRAL VALLEY PROJECT AUTHORIZATIONS- Act of August 26, 1937- Section 2 of the Act of August 26, 1937 (chapter 832; 50 Stat. 850), as amended, is amended--

(1) in the second proviso of subsection (a), by inserting `and mitigation, protection, and restoration of fish and wildlife' after `Indian reservations,';

(2) in the last proviso of subsection (a), by striking `domestic uses;' and inserting `domestic uses and fish and wildlife mitigation, protection and restoration purposes;' and by striking `power' and inserting `power and fish and wildlife enhancement';

(3) by adding at the end the following: `The mitigation for fish and wildlife losses incurred as a result of construction, operation, or maintenance of the Central Valley Project shall be based on the replacement of ecologically equivalent habitat and shall take place in accordance with the provisions of this title and concurrent with any future actions which adversely affect fish and wildlife populations or their habitat but shall have no priority over them.'; and

(4) by adding at the end the following: `(e) Nothing in this title shall affect the State's authority to condition water rights permits for the Central Valley Project.'

(b) FISH AND WILDLIFE RESTORATION ACTIVITIES- The Secretary, immediately upon the enactment of this title, shall operate the Central Valley Project to meet all obligations under State and Federal law, including but not limited to the Federal Endangered Species Act, 16 U.S.C. 1531, et seq., and all decisions of the California State Water Resources Control Board establishing conditions on applicable licenses and permits for the project. The Secretary, in consultation with other State and Federal agencies, Indian tribes, and affected interests, is further authorized and directed to:

(1) develop within three years of enactment and implement a program which makes all reasonable efforts to ensure that, by the year 2002, natural production of anadromous fish in Central Valley rivers and streams will be sustainable, on a long-term basis, at levels not less than twice the average levels attained during the period of 1967-1991; *Provided*, That this goal shall not apply to the San Joaquin River between Friant Dam and the Mendota Pool, for which a separate program is authorized under subsection 3406(c) of this title; *Provided further*, That the programs and activities authorized by this section shall, when fully implemented, be deemed to meet the mitigation, protection, restoration, and enhancement purposes established by subsection 3406(a) of this title; *And provided further*, That in the course of developing and implementing this program the Secretary shall make all reasonable efforts consistent with the requirements of this section to address other identified adverse environmental impacts of the Central Valley Project not specifically enumerated in this section.

(A) This program shall give first priority to measures which protect and restore natural channel and riparian habitat values through habitat restoration actions, modifications to Central Valley Project operations, and implementation of the supporting measures mandated by this subsection; shall be reviewed and updated every five years; and shall describe how the Secretary intends to operate the Central Valley Project to meet the fish, wildlife, and habitat restoration goals and requirements set forth in this title and other project purposes.

~~(B) As needed to achieve the goals of this program, the Secretary is authorized and directed to modify Central Valley Project operations to provide flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish, except that such flows shall be provided from the quantity of water dedicated to fish, wildlife, and habitat restoration purposes under paragraph (2) of this subsection; from the water supplies acquired pursuant to paragraph (3) of this subsection; and from other sources which do not conflict with fulfillment of the Secretary's remaining contractual obligations to provide Central Valley Project water for other authorized purposes. Instream flow needs for all Central Valley Project controlled streams and rivers shall be determined by the Secretary based on recommendations of the United States Fish and Wildlife Service after consultation with the California Department of Fish and Game.~~

(B) MODIFICATION OF RESTORATION ACTIVITIES.—

(i) IN GENERAL.—As needed to achieve the goals of the restoration activities program established under this paragraph, the Secretary may modify Central Valley Project operations to provide reasonable water flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish. Such flows shall be provided—

(I) from the quantity of water dedicated for fish, wildlife, and habitat restoration purposes under paragraph (2);

(II) from the water supplies acquired pursuant to paragraph (3); and

(III) from other sources that do not conflict with fulfillment of the Secretary's remaining contractual obligations to provide Central Valley Project water for other authorized purposes.

(ii) INSTREAM FLOW NEEDS.—Reasonable instream flow needs for all Central Valley Project controlled streams and rivers shall be determined by the Secretary based on recommendations of the United States Fish and Wildlife Service and the National Marine Fisheries Service after consultation with the United States Geological Survey.

(C) The Secretary shall cooperate with the State of California to ensure that, to the greatest degree practicable, the specific quantities of yield dedicated to and managed for fish and wildlife purposes under this title are credited against any additional obligations of the Central Valley Project which may be imposed by the State of California following enactment of this title, including but not limited to increased flow and reduced export obligations which may be imposed by the California State Water Resources Control Board in implementing San Francisco Bay/Sacramento-San Joaquin Delta Estuary standards pursuant to the review ordered by the California Court of Appeals in *United States v. State Water Resources Control Board*, 182 Cal.App.3d 82 (1986), and that, to the greatest degree practicable, the programs and plans required by this title are developed and implemented in a way that avoids inconsistent or duplicative obligations from being imposed upon Central Valley Project water and power contractors.

(D) Costs associated with this paragraph shall be reimbursable pursuant to existing statutory and regulatory procedures.

~~(2) upon enactment of this title dedicate and manage annually eight hundred thousand acre feet of Central Valley Project yield for the primary purpose of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by this title; to assist the State of California in its efforts to protect the waters of the San Francisco Bay/Sacramento San Joaquin Delta Estuary; and to help to meet such obligations as may be legally imposed upon the Central Valley Project under State or Federal law following the date of enactment of this title, including but not limited to additional obligations under the Federal Endangered Species Act. For the purpose of this section, the term 'Central Valley Project yield' means the delivery capability of the Central Valley Project during the 1928-1934 drought period after fishery, water quality, and other flow and operational requirements imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing at the time of enactment of this title have been met.~~

(2) upon October 30, 1992, dedicate and manage annually 800,000 acre-feet of Central Valley Project yield for the purposes of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by such Act; assisting the State of California in its efforts to protect the waters of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary; and helping to meet such obligations as may be legally imposed upon the Central Valley Project under State or Federal law following October 30, 1992, including additional obligations under the Endangered Species Act of 1973 (16 U.S.C.3 1531 et seq.). For the purpose of this section, the term 'Central Valley Project yield' means the delivery capability of the Central Valley Project during the 1928 to 1934 drought period after fishery, water quality, and other flow and operational requirements imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing on October 30, 1992, have been met. All Central Valley Project water used for the purposes specified in this paragraph shall be credited to the quantity of Central Valley Project yield dedicated and managed under this paragraph by determining how the dedication and management of such water would affect the delivery capability of the Central Valley Project during the 1928 to 1934 drought period after fishery, water quality, and other flow and operational requirements imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing on October 30, 1992, have been met. To the fullest extent possible and in accordance with section 3411, Central Valley Project water dedicated and managed pursuant to this paragraph shall be reused to fulfill the Secretary's remaining contractual obligations to provide Central Valley Project water for agricultural or municipal and industrial purposes.

(A) Such quantity of water shall be in addition to the quantities needed to implement paragraph 3406(d)(1) of this title and in addition to all water allocated pursuant to paragraph (23) of this subsection for release to the Trinity River for the purposes of fishery restoration, propagation, and maintenance; and shall be supplemented by all water that comes under the Secretary's control pursuant to subsections 3406(b)(3), 3408(h)-(i), and through other measures consistent with subparagraph 3406(b)(1)(B) of this title.

(B) Such quantity of water shall be managed pursuant to conditions specified by the United States Fish and Wildlife Service after consultation with the Bureau of Reclamation and the California Department of Water Resources and in cooperation with the California Department of Fish and Game.

~~(C) The Secretary may temporarily reduce deliveries of the quantity of water dedicated under this paragraph up to 25 percent of such total whenever reductions due to hydrologic circumstances are imposed upon agricultural deliveries of Central Valley Project water; *Provided*, That such reductions shall not exceed in percentage terms the reductions imposed on agricultural service contractors; *Provided further*, That nothing in this subsection or subsection 3406(e) shall require the Secretary to operate the project in a way that jeopardizes human health or safety.~~

(C) If by March 15th of any year the quantity of Central Valley Project water forecasted to be made available to water service or repayment contractors in the Delta Division of the Central Valley Project is below 75 percent of the total quantity of water to be made available under said contracts, the quantity of Central Valley Project yield dedicated and managed for that year under this paragraph shall be reduced by 25 percent.

(D) If the quantity of water dedicated under this paragraph, or any portion thereof, is not needed for the purposes of this section, based on a finding by the Secretary, the Secretary is authorized to make such water available for other project purposes.

(3) develop and implement a program in coordination and in conformance with the plan required under paragraph (1) of this subsection for the acquisition of a water supply to supplement the quantity of water dedicated to fish and wildlife purposes under paragraph (2) of this subsection and to fulfill the Secretary's obligations under paragraph 3406(d)(2) of this title. The program should identify how the Secretary intends to utilize, in particular the following options: improvements in or modifications of the operations of the project; water banking; conservation; transfers; conjunctive use; and temporary and permanent land fallowing, including purchase, lease, and option of water, water rights, and associated agricultural land.

(4) develop and implement a program to mitigate for fishery impacts associated with operations of the Tracy Pumping Plant. Such program shall include, but is not limited to improvement or replacement of the fish screens and fish recovery facilities and practices associated with the Tracy Pumping Plant. Costs associated with this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California. The reimbursable share of funding for this and other facility repairs, improvements, and construction shall be allocated among project water and power users in accordance with existing project cost allocation procedures.

(5) develop and implement a program to mitigate for fishery impacts resulting from operations of the Contra Costa Canal Pumping Plant No. 1. Such program shall provide for construction and operation of fish screening and recovery facilities, and for modified practices and operations. Costs associated with this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(6) install and operate a structural temperature control device at Shasta Dam and develop and implement modifications in CVP operations as needed to assist in the Secretary's efforts to control water temperatures in the upper Sacramento River in order to protect anadromous fish in the upper Sacramento River. Costs associated with planning and construction of the structural temperature control device shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(7) meet flow standards and objectives and diversion limits set forth in all laws and judicial decisions that apply to Central Valley Project facilities, including, but not limited to, provisions of this title and all obligations of the United States under the 'Agreement Between the United States and the Department of Water Resources of the State of California for Coordinated Operation of the Central Valley Project and the State Water Project' dated May 20, 1985, as well as Public Law 99-546.

(8) make use of short pulses of increased water flows to increase the survival of migrating anadromous fish moving into and through the Sacramento-San Joaquin Delta and Central Valley rivers and streams.

(9) develop and implement a program to eliminate, to the extent possible, losses of anadromous fish due to flow fluctuations caused by the operation of any Central Valley Project storage or re-regulating facility. The program shall be patterned where appropriate after the agreement between the California Department of Water Resources and the California Department of Fish

and Game with respect to the operation of the California State Water Project Oroville Dam complex.

(10) develop and implement measures to minimize fish passage problems for adult and juvenile anadromous fish at the Red Bluff Diversion Dam in a manner that provides for the use of associated Central Valley Project conveyance facilities for delivery of water to the Sacramento Valley National Wildlife Refuge complex in accordance with the requirements of subsection (d) of this section. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(11) rehabilitate and expand the Coleman National Fish Hatchery by implementing the United States Fish and Wildlife Service's Coleman National Fish Hatchery Development Plan, and modify the Keswick Dam Fish Trap to provide for its efficient operation at all project flow release levels and modify the basin below the Keswick Dam spillway to prevent the trapping of fish. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 50 percent shall be reimbursed as main project features and 50 percent shall be considered a nonreimbursable Federal expenditure.

(12) develop and implement a comprehensive program to provide flows to allow sufficient spawning, incubation, rearing, and outmigration for salmon and steelhead from Whiskeytown Dam as determined by instream flow studies conducted by the California Department of Fish and Game after Clear Creek has been restored and a new fish ladder has been constructed at the McCormick-Saeltzer Dam. Costs associated with channel restoration, passage improvements, and fish ladder construction required by this paragraph shall be allocated 50 percent to the United States as a nonreimbursable expenditure and 50 percent to the State of California. Costs associated with providing the flows required by this paragraph shall be allocated among project purposes.

(13) develop and implement a continuing program for the purpose of restoring and replenishing, as needed, spawning gravel lost due to the construction and operation of Central Valley Project dams, bank protection projects, and other actions that have reduced the availability of spawning gravel and rearing habitat in the Upper Sacramento River from Keswick Dam to Red Bluff Diversion Dam, and in the American and Stanislaus Rivers downstream from the Nimbus and Goodwin Dams, respectively. The program shall include preventive measures, such as re-establishment of meander belts and limitations on future bank protection activities, in order to avoid further losses of instream and riparian habitat. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(14) develop and implement a program which provides for modified operations and new or improved control structures at the Delta Cross Channel and Georgiana Slough during times when significant numbers of striped bass eggs, larvae, and juveniles approach the Sacramento River intake to the Delta Cross Channel or Georgiana Slough. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(15) construct, in cooperation with the State of California and in consultation with local interests, a barrier at the head of Old River in the Sacramento-San Joaquin Delta to be operated on a

seasonal basis to increase the survival of young outmigrating salmon that are diverted from the San Joaquin River to Central Valley Project and State Water Project pumping plants and in a manner that does not significantly impair the ability of local entities to divert water. The costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(16) establish, in cooperation with independent entities and the State of California, a comprehensive assessment program to monitor fish and wildlife resources in the Central Valley to assess the biological results and effectiveness of actions implemented pursuant to this subsection. 37.5 percent of the costs associated with implementation of this paragraph shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(17) develop and implement a program to resolve fishery passage problems at the Anderson-Cottonwood Irrigation District Diversion Dam as well as upstream stranding problems related to Anderson-Cottonwood Irrigation District Diversion Dam operations. Costs associated with implementation of this paragraph shall be allocated 50 percent to the United States as a nonreimbursable expenditure and 50 percent to the State of California.

(18) if requested by the State of California, assist in developing and implementing management measures to restore the striped bass fishery of the Bay-Delta estuary. Such measures shall be coordinated with efforts to protect and restore native fisheries. Costs associated with implementation of this paragraph shall be allocated 50 percent to the United States and 50 percent to the State of California. The United States' share of costs associated with implementation of this paragraph shall be nonreimbursable.

(19) reevaluate existing operational criteria in order to maintain minimum carryover storage at Sacramento and Trinity River reservoirs to protect and restore the anadromous fish of the Sacramento and Trinity Rivers in accordance with the mandates and requirements of this subsection and subject to the Secretary's responsibility to fulfill all project purposes, including agricultural water delivery.

(20) participate with the State of California and other Federal agencies in the implementation of the on-going program to mitigate fully for the fishery impacts associated with operations of the Glenn-Colusa Irrigation District's Hamilton City Pumping Plant. Such participation shall include replacement of the defective fish screens and fish recovery facilities associated with the Hamilton City Pumping Plant. This authorization shall not be deemed to supersede or alter existing authorizations for the participation of other Federal agencies in the mitigation program. Seventy-five percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(21) assist the State of California in efforts to develop and implement measures to avoid losses of juvenile anadromous fish resulting from unscreened or inadequately screened diversions on the Sacramento and San Joaquin rivers, their tributaries, the Sacramento-San Joaquin Delta, and the Suisun Marsh. Such measures shall include but shall not be limited to construction of screens on unscreened diversions, rehabilitation of existing screens, replacement of existing non-functioning screens, and relocation of diversions to less fishery-sensitive areas. The Secretary's share of costs associated with activities authorized under this paragraph shall not exceed 50 percent of the total cost of any such activity.

(22) provide such incentives as the Secretary determines to be appropriate or necessary, consistent with the goals and objectives of this title, to encourage farmers to participate in a program, which the Secretary shall develop, under which such farmers will keep fields flooded during appropriate time periods for the purposes of waterfowl habitat creation and maintenance and for Central Valley Project yield enhancement; *Provided*, That such incentives shall not exceed \$2,000,000 annually, either directly or through credits against other contractual payment obligations, including the pricing waivers authorized under subsection 3405(d) of this title; *Provided further*, That the holder of the water contract shall pass such incentives through to farmers participating in the program, less reasonable contractor costs, if any; *And provided further*, That such water may be transferred subject to section 3405(a) of this title only if the farmer waives all rights to such incentives. This provision shall terminate by the year 2002.

(23) in order to meet Federal trust responsibilities to protect the fishery resources of the Hoopa Valley Tribe, and to meet the fishery restoration goals of the Act of October 24, 1984, Public Law 98-541, provide through the Trinity River Division, for water years 1992 through 1996, an instream release of water to the Trinity River of not less than three hundred and forty thousand acre-feet per year for the purposes of fishery restoration, propagation, and maintenance and,

(A) by September 30, 1996, the Secretary, after consultation with the Hoopa Valley Tribe, shall complete the Trinity River Flow Evaluation Study currently being conducted by the United States Fish and Wildlife Service under the mandate of the Secretarial Decision of January 14, 1981, in a manner which insures the development of recommendations, based on the best available scientific data, regarding permanent instream fishery flow requirements and Trinity River Division operating criteria and procedures for the restoration and maintenance of the Trinity River fishery; and

(B) not later than December 31, 1996, the Secretary shall forward the recommendations of the Trinity River Flow Evaluation Study, referred to in subparagraph (A) of this paragraph, to the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives. If the Secretary and the Hoopa Valley Tribe concur in these recommendations, any increase to the minimum Trinity River instream fishery releases established under this paragraph and the operating criteria and procedures referred to in subparagraph (A) shall be implemented accordingly. If the Hoopa Valley Tribe and the Secretary do not concur, the minimum Trinity River instream fishery releases established under this paragraph shall remain in effect unless increased by an Act of Congress, appropriate judicial decree, or agreement between the Secretary and the Hoopa Valley Tribe. Costs associated with implementation of this paragraph shall be reimbursable as operation and maintenance expenditures pursuant to existing law.

If the Secretary and the State of California determine that long-term natural fishery productivity in all Central Valley Project controlled rivers and streams resulting from implementation of this section exceeds that which existed in the absence of Central Valley Project facilities, the costs of implementing those measures which are determined to provide such enhancement shall become credits to offset reimbursable costs associated with implementation of this subsection.

(c) SAN JOAQUIN AND STANISLAUS RIVERS- The Secretary shall, by not later than September 30, 1996:

(1) develop a comprehensive plan, which is reasonable, prudent, and feasible, to address fish, wildlife, and habitat concerns on the San Joaquin River, including but not limited to the

streamflow, channel, riparian habitat, and water quality improvements that would be needed to reestablish where necessary and to sustain naturally reproducing anadromous fisheries from Friant Dam to its confluence with the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. Such plan shall be developed in cooperation with the California Department of Fish and Game and in coordination with the San Joaquin River Management Program under development by the State of California; shall comply with and contain any documents required by the National Environmental Policy Act and contain findings setting forth the basis for the Secretary's decision to adopt and implement the plan as well as recommendations concerning the need for subsequent Congressional action, if any; and shall incorporate, among other relevant factors, the potential contributions of tributary streams as well as the alternatives to be investigated under paragraph (2) of this subsection. During the time that the Secretary is developing the plan provided for in this subsection, and until such time as Congress has authorized the Secretary to implement such plan, with or without modifications, the Secretary shall not, as a measure to implement this title, make releases for the restoration of flows between Gravelly Ford and the Mendota Pool and shall not thereafter make such releases as a measure to implement this title without a specific Act of Congress authorizing such releases. In lieu of such requirement, and until such time as flows of sufficient quantity, quality and timing are provided at and below Gravelly Ford to meet the anadromous fishery needs identified pursuant to such plan, if any, entities who receive water from the Friant Division of the Central Valley Project shall be assessed, in addition to all other applicable charges, a \$4 per acre-foot surcharge for all Project water delivered on or before September 30, 1997; a \$5 per acre-foot surcharge for all Project water delivered after September 30, 1997 but on or before September 30, 1999; and a \$7 per acre-foot surcharge for all Project water delivered thereafter, to be covered into the Restoration Fund.

(2) in the course of preparing the Stanislaus River Basin and Calaveras River Water Use Program Environmental Impact Statement and in consultation with the State of California, affected counties, and other interests, evaluate and determine existing and anticipated future basin needs in the Stanislaus River Basin. In the course of such evaluation, the Secretary shall investigate alternative storage, release, and delivery regimes, including but not limited to conjunctive use operations, conservation strategies, exchange arrangements, and the use of base and channel maintenance flows, in order to best satisfy both basin and out-of-basin needs consistent, on a continuing basis, with the limitations and priorities established in the Act of October 23, 1962 (76 Stat. 173). For the purposes of this subparagraph, 'basin needs' shall include water supply for agricultural, municipal and industrial uses, and maintenance and enhancement of water quality, and fish and wildlife resources within the Stanislaus River Basin as established by the Secretary's June 29, 1981 Record of Decision; and 'out-of-basin' needs shall include all such needs outside of the Stanislaus River Basin, including those of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and those of the San Joaquin River under paragraph (1) of this subsection.

(d) **CENTRAL VALLEY REFUGES AND WILDLIFE HABITAT AREAS-** In support of the objectives of the Central Valley Habitat Joint Venture and in furtherance of the purposes of this title, the Secretary shall provide, either directly or through contractual agreements with other appropriate parties, firm water supplies of suitable quality to maintain and improve wetland habitat areas on units of the National Wildlife Refuge System in the Central Valley of California; on the Gray Lodge, Los Banos, Volta, North Grasslands, and Mendota state wildlife management areas; and on the Grasslands Resources Conservation District in the Central Valley of California.

(1) Upon enactment of this title, the quantity and delivery schedules of water measured at the boundaries of each wetland habitat area described in this paragraph shall be in accordance with level 2 of the 'Dependable Water Supply Needs' table for those habitat areas as set forth in the Refuge Water Supply Report and two-thirds of the water supply needed for full habitat

development for those habitat areas identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report prepared by the Bureau of Reclamation. Such water shall be provided through long-term contractual agreements with appropriate parties and shall be supplemented by the increment of water provided for in paragraph (1) of this subsection; *Provided*, That the Secretary shall be obligated to provide such water whether or not such long-term contractual agreements are in effect. In implementing this paragraph, the Secretary shall endeavor to diversify sources of supply in order to minimize possible adverse effects upon Central Valley Project contractors.

(2) Not later than ten years after enactment of this title, the quantity and delivery schedules of water measured at the boundaries of each wetland habitat area described in this paragraph shall be in accordance with level 4 of the 'Dependable Water Supply Needs' table for those habitat areas as set forth in the Refuge Water Supply Report and the full water supply needed for full habitat development for those habitat areas identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report prepared by the Bureau of Reclamation. The quantities of water required to supplement the quantities provided under paragraph (1) of this subsection shall be acquired by the Secretary in cooperation with the State of California and in consultation with the Central Valley Habitat Joint Venture and other interests in cumulating increments of not less than ten percent per annum through voluntary measures which include water conservation, conjunctive use, purchase, lease, donations, or similar activities, or a combination of such activities which do not require involuntary reallocations of project yield.

(3) All costs associated with implementation of paragraph (1) of this subsection shall be reimbursable pursuant to existing law. Incremental costs associated with implementation of paragraph (2) of this subsection shall be fully allocated in accordance with the following formula: 75 percent shall be deemed a nonreimbursable Federal expenditure; and 25 percent shall be allocated to the State of California for recovery through direct reimbursements or through equivalent in-kind contributions.

(4) The Secretary may temporarily reduce deliveries of the quantity of water dedicated under paragraph (1) of this subsection up to 25 percent of such total whenever reductions due to hydrologic circumstances are imposed upon agricultural deliveries of Central Valley Project water; *Provided*, That such reductions shall not exceed in percentage terms the reductions imposed on agricultural service contractors. For the purpose of shortage allocation, the priority or priorities applicable to the increment of water provided under paragraph (2) of this subsection shall be the priority or priorities which applied to the water in question prior to its transfer to the purpose of providing such increment.

(5) The Secretary is authorized and directed to construct or to acquire from non-Federal entities such water conveyance facilities, conveyance capacity, and wells as are necessary to implement the requirements of this subsection; *Provided*, That such authorization shall not extend to conveyance facilities in or around the Sacramento-San Joaquin Delta Estuary. Associated construction or acquisition costs shall be reimbursable pursuant to existing law in accordance with the cost allocations set forth in paragraph (3) of this subsection.

(6) The Secretary, in consultation with the State of California, the Central Valley Habitat Joint Venture, and other interests, shall investigate and report on the following supplemental actions by not later than September 30, 1997:

(A) alternative means of improving the reliability and quality of water supplies currently available to privately owned wetlands in the Central Valley and the need, if any, for additional supplies; and

(B) water supply and delivery requirements necessary to permit full habitat development for water dependent wildlife on one hundred and twenty thousand acres supplemental to the existing wetland habitat acreage identified in Table 8 of the Central Valley Habitat Joint Venture's 'Implementation Plan' dated April 19, 1990, as well as feasible means of meeting associated water supply requirements.

(e) SUPPORTING INVESTIGATIONS- Not later than five years after the date of enactment of this title, the Secretary shall investigate and provide recommendations to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries of the House on the feasibility, cost, and desirability of developing and implementing each of the following, including, but not limited to, the impact on the project, its users, and the State of California:

(1) measures to maintain suitable temperatures for anadromous fish survival in the Sacramento and San Joaquin rivers and their tributaries, and the Sacramento-San Joaquin Delta by controlling or relocating the discharge of irrigation return flows and sewage effluent, and by restoring riparian forests;

(2) opportunities for additional hatchery production to mitigate the impacts of water development and operations on, or enhance efforts to increase Central Valley fisheries; *Provided*, That additional hatchery production shall only be used to supplement or to re-establish natural production while avoiding adverse effects on remaining wild stocks;

(3) measures to eliminate barriers to upstream and downstream migration of salmonids in the Central Valley, including but not limited to screening programs, barrier removal programs and programs for the construction or rehabilitation of fish ladders on tributary streams;

(4) installation and operation of temperature control devices at Trinity Dam and Reservoir to assist in the Secretary's efforts to conserve cold water for fishery protection purposes;

(5) measures to provide for modified operations and new or improved control structures at the Delta Cross Channel and Georgiana Slough to assist in the successful migration of anadromous fish; and

(6) other measures which the Secretary determines would protect, restore, and enhance natural production of salmon and steelhead trout in tributary streams of the Sacramento and San Joaquin Rivers, including but not limited to the Merced, Mokelumne, and Calaveras Rivers and Battle, Butte, Deer, Elder, Mill, and Thomes Creeks.

(f) REPORT ON PROJECT FISHERY IMPACTS- The Secretary, in consultation with the Secretary of Commerce, the State of California, appropriate Indian tribes, and other appropriate public and private entities, shall investigate and report on all effects of the Central Valley Project on anadromous fish populations and the fisheries, communities, tribes, businesses and other interests and entities that have now or in the past had significant economic, social or cultural association with those fishery resources. The Secretary shall provide such report to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries of the House of Representatives not later than two years after the date of enactment of this title.

(g) ECOSYSTEM AND WATER SYSTEM OPERATIONS MODELS- The Secretary, in cooperation with the State of California and other relevant interests and experts, shall develop readily usable and broadly available models and supporting data to evaluate the ecologic and hydrologic effects of existing

and alternative operations of public and private water facilities and systems in the Sacramento, San Joaquin, and Trinity River watersheds. The primary purpose of this effort shall be to support the Secretary's efforts in fulfilling the requirements of this title through improved scientific understanding concerning, but not limited to, the following:

- (1) a comprehensive water budget of surface and groundwater supplies, considering all sources of inflow and outflow available over extended periods;
- (2) related water quality conditions and improvement alternatives, including improved temperature prediction capabilities as they relate to storage and flows;
- (3) surface-ground and stream-wetland interactions;
- (4) measures needed to restore anadromous fisheries to optimum and sustainable levels in accordance with the restored carrying capacities of Central Valley rivers, streams, and riparian habitats;
- (5) development and use of base flows and channel maintenance flows to protect and restore natural channel and riparian habitat values;
- (6) implementation of operational regimes at State and Federal facilities to increase springtime flow releases, retain additional floodwaters, and assist in restoring both upriver and downriver riparian habitats;
- (7) measures designed to reach sustainable harvest levels of resident and anadromous fish, including development and use of systems of tradeable harvest rights;
- (8) opportunities to protect and restore wetland and upland habitats throughout the Central Valley; and
- (9) measures to enhance the firm yield of existing Central Valley Project facilities, including improved management and operations, conjunctive use opportunities, development of offstream storage, levee setbacks, and riparian restoration.

All studies and investigations shall take into account and be fully consistent with the fish, wildlife, and habitat protection and restoration measures required by this title or by any other State or Federal law. Seventy-five percent of the costs associated with implementation of this subsection shall be borne by the United States as a nonreimbursable cost; the remaining 25 percent shall be borne by the State of California.

(h) The Secretary shall enter into a binding cost-share agreement with the State of California with respect to the timely reimbursement of costs allocated to the State in this title. Such agreement shall provide for consideration of the value of direct reimbursements, specific contributions to the Restoration Fund, and water, conveyance capacity, or other contributions in-kind that would supplement existing programs and that would, as determined by the Secretary, materially contribute to attainment of the goals and objectives of this title.

(i) SATISFACTION OF PURPOSES.—By pursuing the activities described by this section, the Secretary shall be deemed to have met the mitigation, protection, restoration, and enhancement purposes of section 2 of the Act of August 26, 1937 (Chapter 832; 50 Stat. 850).

SEC. 3407. RESTORATION FUND.

(a) RESTORATION FUND ESTABLISHED-

- (1) In General. There is hereby established in the Treasury of the United States the 'Central Valley Project Restoration Fund' (hereafter 'Restoration Fund') which shall be available for deposit of donations from any source and revenues provided under sections 3404(c)(3), 3405(f), 3406(c)(1), and 3407(d) of this title. Amounts deposited shall be credited as offsetting collections. ~~Not less than 67 percent of all funds made available to the Restoration Fund under this title are authorized to be appropriated to the Secretary to carry out the habitat restoration, improvement and acquisition (from willing sellers) provisions of this title. Not more than 33 percent of all funds made available to the Restoration Fund under this title are authorized to be appropriated to the Secretary to carry out the provisions of paragraphs 3406(b)(4) (6), (10) (18), and (20) (22) of this title.~~ Monies donated to the Restoration Fund by non-Federal entities for specific purposes shall be expended for those purposes only and shall not be subject to appropriation. Not less than 50 percent of the amounts deposited to the Restoration Fund shall be expended for purposes of the Central Valley Project unit or division regarding which the amounts were collected.

(2) PROHIBITION.—The Secretary may not directly or indirectly require a donation or other payment to the Restoration Fund—

(A) or environmental restoration or mitigation fees not otherwise provided by law, as a condition to—

(i) providing for the storage or conveyance of non-Central Valley Project water pursuant to Federal reclamation laws; or

(ii) the delivery of water pursuant to section 215 of the Reclamation Reform Act of 1982 (Public Law 97–293; 96 Stat. 1270); or

(B) for any water that is delivered with the sole intent of groundwater recharge.

(3) CERTAIN USE.—Except as provided under paragraph (1), this section may be utilized to implement section 3408(j).

(b) AUTHORIZATION OF APPROPRIATIONS- Such sums as are necessary, up to \$50,000,000 per year (October 1992 price levels), are authorized to be appropriated to the Secretary to be derived from the Restoration Fund to carry out programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of this title. Any funds paid into the Restoration Fund by Central Valley Project water and power contractors and which are also used to pay for the projects and facilities set forth in section 3406(b), shall act as an offset against any water and power contractor cost share obligations that are otherwise provided for in this title.

(c) MITIGATION AND RESTORATION PAYMENTS BY WATER AND POWER BENEFICIARIES-

(1) To the extent required in appropriation Acts, the Secretary shall assess and collect additional annual ~~mitigation and restoration~~ payments, in addition to the charges ~~provided for or~~ collected under sections 3404(c)(3), 3405(a)(1)(C), 3405(f), and 3406(c)(1) of this title, consisting of charges to direct beneficiaries of the Central Valley Project under subsection (d) of this section in order to recover a portion or all of the costs of ~~fish, wildlife, and habitat restoration programs and projects under this title~~ carrying out all activities described in this title.

(2) The payment described in this subsection shall be established at amounts that will result in collection, during each fiscal year, of an amount that can be reasonably expected to equal the amount appropriated each year, subject to subsection (d) of this section, and in combination with all other receipts identified under this title, to carry out the purposes identified in subsection (b) of this section; *Provided*, That, if the total amount appropriated under subsection (b) of this section for the fiscal years following enactment of this title does not equal \$50,000,000 per year (October 1992 price levels) on an average annual basis, the Secretary shall impose such charges in fiscal year 1998 and in each fiscal year thereafter, subject to the limitations in subsection (d) of this section, as may be required to yield in fiscal year 1998 and in each fiscal year thereafter total collections equal to \$50,000,000 per year (October 1992 price levels) on a three-year rolling average basis for each fiscal year that follows enactment of this title.

(d) Adjustment and Assessment of Mitigation and Restoration Payments-

(1) In assessing the annual payments to carry out subsection (c) of this section, the Secretary shall, prior to each fiscal year, estimate the amount that could be collected in each fiscal year pursuant to subparagraphs 2(A) and (B) of this subsection. The Secretary shall decrease all such payments on a proportionate basis from amounts contained in the estimate so that an aggregate amount is collected pursuant to the requirements of paragraph (c)(2) of this section.

(2) The Secretary shall assess and collect the following mitigation and restoration payments, to be covered to the Restoration Fund, subject to the requirements of paragraph (1) of this subsection:

(A) The Secretary shall require Central Valley Project water and power contractors to make such additional annual payments as are necessary to yield, together with all other receipts, the amount required under paragraph (c)(2) of this subsection; *Provided*, That such additional payments shall not exceed \$30,000,000 (October 1992 price levels) on a three-year rolling average basis; *Provided further*, That such additional annual payments shall be allocated so as not to exceed \$6 per acre-foot (October 1992 price levels) for agricultural water sold and delivered by the Central Valley Project, and \$12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project, or \$4 per megawatt-hour for Central Valley Project power sold to power contractors (October 2012 price levels); *Provided further*, That the charge imposed on agricultural water shall be reduced, if necessary, to an amount within the probable ability of the water users to pay as determined and adjusted by the Secretary no less than every five years, taking into account the benefits resulting from implementation of this title; *Provided further*, That the Secretary shall impose an additional annual charge of \$25 per acre-foot (October 1992 price levels) for Central Valley Project water sold or transferred to any State or local agency or other entity which has not previously been a Central Valley Project customer and which contracts with the Secretary or any other individual or district receiving Central Valley Project water to purchase or otherwise transfer any such water for its own use for municipal and industrial purposes, to be deposited in the Restoration Fund; *And Provided further*, That upon the completion of the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406 of this title, the Secretary shall reduce the sums described in paragraph (c)(2) of this section to \$35,000,000 per year (October 1992 price levels) and shall reduce the annual mitigation and restoration payment ceiling established under this subsection to \$15,000,000 (October 1992 price levels) on a three-year rolling average basis. The amount of the mitigation and restoration payment made by Central Valley Project water and power users, taking into account all funds collected under this title, shall, to the

greatest degree practicable, be assessed in the same proportion, measured over a ten-year rolling average, as water and power users' respective allocations for repayment of the Central Valley Project.

(e) FUNDING TO NON-FEDERAL ENTITIES- If the Secretary determines that the State of California or an agency or subdivision thereof, an Indian tribe, or a nonprofit entity concerned with restoration, protection, or enhancement of fish, wildlife, habitat, or environmental values is able to assist in implementing any action authorized by this title in an efficient, timely, and cost effective manner, the Secretary is authorized to provide funding to such entity on such terms and conditions as he deems necessary to assist in implementing the identified action.

(f) RESTORATION FUND FINANCIAL REPORTS- The Secretary shall, not later than the first full fiscal year after enactment of this title, and annually thereafter, submit a detailed report to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, and the Committee on Interior and Insular Affairs, the Committee on Merchant Marine and Fisheries, and the Committee on Appropriations of the House of Representatives. Such report shall describe all receipts to and uses made of monies within the Restoration Fund and the Restoration Account during the prior fiscal year and shall include the Secretary's projection with respect to receipts to and uses to be made of the funds during the next upcoming fiscal year.

(g) REPORT ON EXPENDITURE OF FUNDS.—At the end of each fiscal year, the Secretary, in consultation with the Restoration Fund Advisory Board, shall submit to Congress a plan for the expenditure of all of the funds deposited into the Restoration Fund during the preceding fiscal year. Such plan shall contain a cost effectiveness analysis of each expenditure.

(h) ADVISORY BOARD.—

(1) ESTABLISHMENT.—There is hereby established the Restoration Fund Advisory Board (herein after in this section referred to as the ‘Advisory Board’) composed of 12 members selected by the Secretary, each for four year terms, one of whom shall be designated by the Secretary as Chairman. The members shall be selected so as to represent the various Central Valley Project stakeholders, four of whom shall be from CVP agricultural users, three from CVP municipal and industrial users, three from CVP power contractors, and two at the discretion of the Secretary. The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

(2) DUTIES.—The duties of the Advisory Board are as follows:

(A) To meet at least semi-annually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out pursuant to the Central Valley Project Improvement Act.

(B) To ensure that any advice or recommendation made by the Advisory Board to the Secretary reflect the independent judgment of the Advisory Board.

(C) Not later than December 31, 2012, and annually thereafter, to transmit to the Secretary and Congress recommendations required under subparagraph (A).

(D) Not later than December 31, 2012, and biennially thereafter, to transmit to Congress a report that details the progress made in achieving the goals of the Restoration Fund as identified in this Act.

(3) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.

(4) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

SEC. 3408. ADDITIONAL AUTHORITIES.

(a) REGULATIONS AND AGREEMENTS AUTHORIZED- The Secretary is authorized and directed to promulgate such regulations and enter into such agreements as may be necessary to implement the intent, purposes and provisions of this title.

(b) USE OF ELECTRICAL ENERGY- Electrical energy used to operate and maintain facilities developed for fish and wildlife purposes pursuant to this title, including that used for groundwater development, shall be deemed as Central Valley Project power and shall, if reimbursable, be repaid in accordance with Reclamation law at a price not higher than the lowest price paid by or charged to other Central Valley Project contractors.

~~(c) CONTRACTS FOR ADDITIONAL STORAGE AND DELIVERY OF WATER— The Secretary is authorized to enter into contracts pursuant to Reclamation law and this title with any Federal agency, California water user or water agency, State agency, or private nonprofit organization for the exchange, impoundment, storage, carriage, and delivery of Central Valley Project and non project water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose, except that nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99–546 (100 Stat. 3051).~~

(c) CONTRACTS FOR ADDITIONAL STORAGE AND DELIVERY OF WATER.—

(1) IN GENERAL.—The Secretary is authorized to enter into contracts pursuant to Federal reclamation law and this title with any Federal agency, California water user or water agency, State agency, or private organization for the exchange, impoundment, storage, carriage, and delivery of non-project water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose.

(2) LIMITATION.—Nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99–546 (100 Stat. 3051).

(3) AUTHORITY FOR CERTAIN ACTIVITIES.—The Secretary shall use the authority granted by this subsection in connection with requests to exchange, impound, store, carry, or deliver nonproject water using Central Valley Project facilities for any beneficial purpose.

(4) RATES.—

(A) IN GENERAL.—The Secretary shall develop rates not to exceed the amount required to recover the reasonable costs incurred by the Secretary in connection with a beneficial purpose under this subsection. Such rates shall be charged to a party using Central Valley Project facilities for such purpose. Such costs shall not include any donation or other payment to the Restoration Fund.

(B) REDUCTION IN OPERATIONS AND MAINTENANCE.—Any payment received in connection with the use of Central Valley Project facilities shall be applied to reduce

the current year operations and maintenance expenses, otherwise payable by Central Valley Project contractors, for such facilities used.

(5) CONSTRUCTION.—This subsection shall be construed and implemented to facilitate and encourage the use of Central Valley Project facilities to exchange, impound, store, carry, or deliver nonproject water for any beneficial purpose.

(d) USE OF PROJECT FACILITIES FOR WATER BANKING- The Secretary, in consultation with the State of California, is authorized to enter into agreements to allow project contracting entities to use project facilities, where such facilities are not otherwise committed or required to fulfill project purposes or other Federal obligations, for supplying carry-over storage of irrigation and other water for drought protection, multiple-benefit credit-storage operations, and other purposes. The use of such water shall be consistent with and subject to State law. All or a portion of the water provided for fish and wildlife under this title may be banked for fish and wildlife purposes in accordance with this subsection.

(e) LIMITATION ON CONSTRUCTION- This title does not and shall not be interpreted to authorize construction of water storage facilities, nor shall it limit the Secretary's ability to participate in water banking or conjunctive use programs.

(f) ANNUAL REPORTS TO CONGRESS- Not later than September 30 of each calendar year after the date of enactment of this title, the Secretary shall submit a detailed report to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives. Such report shall describe all significant actions taken by the Secretary pursuant to this title and progress toward achievement of the intent, purposes and provisions of this title, including progress on the plan required by subsection (j). Such report shall include recommendations for authorizing legislation or other measures, if any, needed to implement the intent, purposes and provisions of this title. The filing and adequacy of such report shall be personally certified to the Committees referenced above by the Regional Director of the Mid-Pacific Region of the Bureau of Reclamation.

(g) RECLAMATION LAW- This title shall amend and supplement the Act of June 17, 1902, and Acts supplementary thereto and amendatory thereof.

(h) LAND RETIREMENT-

(1) The Secretary is authorized to purchase from willing sellers land and associated water rights and other property interests identified in paragraph ~~(h)~~(2) which receives Central Valley Project water under a contract executed with the United States, and to target such purchases to areas deemed most beneficial to the overall purchase program, including the purposes of this title.

(2) The Secretary is authorized to purchase, under the authority of paragraph ~~(h)~~(~~1~~), and pursuant to such rules and regulations as may be adopted or promulgated to implement the provisions of this subsection, agricultural land which, in the opinion of the Secretary--

(A) would, if permanently retired from irrigation, improve water conservation by a district, or improve the quality of an irrigation district's agricultural wastewater and assist the district in implementing the provisions of a water conservation plan approved under section 210 of the Reclamation Reform Act of 1982 and agricultural wastewater management activities developed pursuant to recommendations specific to water conservation, drainage source reduction, and land retirement contained in the final report of the San Joaquin Valley Drainage Program (September, 1990); or

(B) are no longer suitable for sustained agricultural production because of permanent damage resulting from severe drainage or agricultural wastewater management problems, groundwater withdrawals, or other causes.

(i) WATER CONSERVATION-

(1) The Secretary is authorized to undertake, in cooperation with Central Valley Project irrigation contractors, water conservation projects or measures needed to meet the requirements of this title. The Secretary shall execute a cost-sharing agreement for any such project or measure undertaken. Under such agreement, the Secretary is authorized to pay up to 100 percent of the costs of such projects or measures. Any water saved by such projects or measures shall be governed by the conditions of subparagraph 3405(a)(1) (A) and (J) of this title, and shall be made available to the Secretary in proportion to the Secretary's contribution to the total cost of such project or measure. Such water shall be used by the Secretary to meet the Secretary's obligations under this title, including the requirements of paragraph 3406(b)(3). Such projects or measures must be implemented fully by September 30, 1999.

(2) There are authorized to be appropriated through the end of fiscal year 1998 such sums as may be necessary to carry out the provisions of this subsection. Funds appropriated under this subsection shall be a nonreimbursable Federal expenditure.

(j) PROJECT YIELD INCREASE-~~In order to minimize adverse effects, if any, upon existing Central Valley Project water contractors resulting from the water dedicated to fish and wildlife under this title, and to assist the State of California in meeting its future water needs, the Secretary shall, not later than three years after the date of enactment of this title, develop and submit to the Congress, a least cost plan to increase, within fifteen years after the date of enactment of this title, the yield of the Central Valley Project by the amount dedicated to fish and wildlife purposes under this title. The plan authorized by this subsection shall include, but shall not be limited to a description of how the Secretary intends to use the following options~~

(1) IN GENERAL. In order to minimize adverse effects upon existing Central Valley Project water contractors resulting from the water dedicated for fish and wildlife under this title, and to assist the State of California in meeting its future water needs, the Secretary, on a priority basis and not later than September 30, 2012, shall submit to Congress a least-cost plan to increase, as soon as possible but not later than September 30, 2016 (except for the construction of new facilities which shall not be limited by that deadline), the water of the Central Valley Project by the amount dedicated and managed for fish and wildlife purposes under this title and otherwise required to meet the purposes of the Central Valley Project including satisfying contractual obligations. The plan required by this subsection shall include recommendations on appropriate cost-sharing arrangements and authorizing legislation or other measures needed to implement the intent, purposes, and provisions of this subsection and a description of how the Secretary intends to use the following options--:

(A) improvements in, modification of, or additions to the facilities and operations of the project and construction of new water storage facilities;

(B) conservation;

(C) transfers;

(D) conjunctive use;

(E) purchase of water;

(F) purchase and idling of agricultural land; and

(G) direct purchase of water rights; and

(H) Water banking and recharge.

(2) IMPLEMENTATION OF PLAN.—The Secretary shall implement the plan required by paragraph (1) commencing on October 1, 2012. In order to carry out this subsection, the Secretary shall coordinate with the State of California in implementing measures for the long-term resolution of problems in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

(3) FAILURE OF THE PLAN.—Notwithstanding any other provision of Federal reclamation law, if by September 30, 2016, the plan required by paragraph (1) fails to increase the annual delivery capability of the Central Valley Project by 800,000 acre-feet, implementation of section 3406(b)(2) shall be suspended until the plan achieves an increase in the annual delivery capability of the Central Valley Project by 800,000 acre-feet.

~~Such plan shall include recommendations on appropriate cost sharing arrangements and shall be developed in a manner consistent with all applicable State and Federal law.~~

(k) Except as specifically provided in this title, nothing in this title is intended to alter the terms of any final judicial decree confirming or determining water rights.

SEC. 3409. ENVIRONMENTAL REVIEW.

Not later than three years after the date of enactment of this title, the Secretary shall prepare and complete a programmatic environmental impact statement pursuant to the National Environmental Policy Act analyzing the direct and indirect impacts and benefits of implementing this title, including all fish, wildlife, and habitat restoration actions and the potential renewal of all existing Central Valley Project water contracts. Such statement shall consider impacts and benefits within the Sacramento, San Joaquin, and Trinity River basins, and the San Francisco Bay/Sacramento-San Joaquin River Delta Estuary. The cost of the environmental impact statement described in this section shall be treated as a capital expense in accordance with Reclamation law.

SEC. 3410. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title. Funds appropriated under this title shall remain available until expended without fiscal year limitation.

SEC. 3411. COMPLIANCE WITH STATE WATER LAW AND COORDINATED OPERATIONS AGREEMENT.

(a) Notwithstanding any other provision of this title, the Secretary shall, prior to the reallocation of water from any purpose of use or place of use specified within applicable Central Valley Project water rights permits and licenses to a purpose of use or place of use not specified within said permits or licenses, obtain a modification in those permits and licenses, in a manner consistent with the provisions of applicable State law, to allow such change in purpose of use or place of use.

(b) The Secretary, in the implementation of the provisions of this title, shall fully comply with the United States' obligations as set forth in the 'Agreement Between the United States of America and the Department of Water Resources of the State of California for Coordinated Operation of the Central Valley Project and the State Water Project' dated May 20, 1985, and the provisions of Public Law 99-546; and shall take no action which shifts an obligation that otherwise should be borne by the Central Valley Project to any other lawful water rights permittee or licensee.

SEC. 3412. EXTENSION OF THE TEHAMA-COLUSA CANAL SERVICE AREA.

The first paragraph of section 2 of the Act of September 26, 1950 (64 Stat. 1036), as amended by the Act of August 19, 1967 (81 Stat. 167), and the Act of December 22, 1980 (94 Stat. 3339), authorizing the Sacramento Valley Irrigation Canals, Central Valley Project, California, is further amended by striking `Tehama, Glenn, and Colusa Counties, and those portions of Yolo County within the boundaries of the Colusa County, Dunnigan, and Yolo-Zamora water districts or' and inserting `Tehama, Glenn, Colusa, Solano, and Napa Counties, those portions of Yolo County within the boundaries of Colusa County Water District, Dunnigan Water District, Yolo-Zamora Water District, and Yolo County Flood Control and Water Conservation District, or'.

From: Gayle Holman

Sent: Friday, January 31, 2014 4:10 PM

To: 'David Bernhardt'; rsmith@bhfs.com

CC: 'Jason Peltier'; Ara Azhderian; 'Mike Wade'

Subject: 2009 Drought Photos

Attachments: 2009.disconnecting water system.jpg; 2009.fallowing acres.jpg; 2009.no water flow.jpg; 2009.orchard uprooted.jpg; 2009.unhooked water system.jpg; 2009.carrots from China.jpg; 2009.food lines.jpg

Here are drought photos from 2009.

Gayle

Gayle Holman

Public Affairs Representative

Westlands Water District

3130 N. Fresno Street

P.O. Box 6056

Fresno, CA 93703-6056

(559) 241-6233 (direct)

(559) [REDACTED] - [REDACTED] (cell)

(559) 241-6277 (fax)

gholman@westlandswater.org

From: Karen Clark

Sent: Monday, February 3, 2014 9:23 AM

To: Alan Elias; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Cheryl Faunce; 'David Bernhardt'; Dennis Cardoza; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erica Woodward; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; Julie Minerva; MargaretAnn Corbett; 'Mike Burns'; Richard Costigan; 'Susan Ramos'

Subject: Conference Call on February 7

All,

Previously, I canceled the PR/Legislation Conference Call on February 7 due to conflicts with Tom's schedule. However, we will have the call after all. If you have any questions, please let me know.

Sincerely,

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93710

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Minerva, Julie
Sent: Monday, February 3, 2014 9:49 AM
To: Karen Clark
Subject: RE: Conference Call on February 7

Thanks Karen.

Julie Minerva

Managing Director
Manatt, Phelps & Phillips, LLP
700 12th Street, NW, Suite 1100
Washington, DC 20005-4075
(202) 585-6620 Direct
(202) 637-1508 Fax
JMinerva@manatt.com

Save paper by not printing this email

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From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: Monday, February 03, 2014 11:23 AM
To: Alan Elias; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Cheryl Faunce; 'David Bernhardt'; Cardoza, Dennis; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Woodward, Erica; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; Minerva, Julie; MargaretAnn Corbett; 'Mike Burns'; Costigan, Richard; 'Susan Ramos'
Subject: Conference Call on February 7

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Sincerely,

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93710
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

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supporting the promotion or marketing of any transactions or matters addressed herein. For information about this legend, go to <http://www.manatt.com/Expertise.aspx?id=4870>

From: James Watson
Sent: Monday, February 3, 2014 9:52 AM
To: 'Karen Clark'
Subject: RE: Conference Call on February 7

What is the call in number/code?

Also, is it typically every other week or monthly?

Jim Watson, PE
Westlands Water District
Cell: 559.708.8720

From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: Monday, February 03, 2014 8:23 AM
To: Alan Elias; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Cheryl Faunce; 'David Bernhardt'; Dennis Cardoza; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erica Woodward; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; Julie Minerva; MargaretAnn Corbett; 'Mike Burns'; Richard Costigan; 'Susan Ramos'
Subject: Conference Call on February 7

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Sincerely,

~Karen
Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93710
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark
Sent: Monday, February 3, 2014 10:39 AM
To: James Watson
Subject: Re: Conference Call on February 7

Jim, it's every Friday at 7:30 am

██████████ pass code ██████████

Sent from my iPhone

On Feb 3, 2014, at 8:51 AM, "James Watson" <jwatson@westlandswater.org> wrote:

What is the call in number/code?

Also, is it typically every other week or monthly?

Jim Watson, PE
Westlands Water District
Cell: ██████████

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Monday, February 03, 2014 8:23 AM
To: Alan Elias; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Cheryl Faunce; 'David Bernhardt'; Dennis Cardoza; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erica Woodward; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; Julie Minerva; MargaretAnn Corbett; 'Mike Burns'; Richard Costigan; 'Susan Ramos'
Subject: Conference Call on February 7

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Sincerely,

~Karen
Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93710
(c) 559 ██████████
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Bernhardt, David L.
Sent: Monday, February 3, 2014 11:52 AM
To: Jason Peltier (jpeltier@westlandswater.org)
Subject: Testimony on Video

She testifies at about 25:00 minutes in:

<http://esaworkinggroup.hastings.house.gov/esa/events.htm>

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From: Bernhardt, David L.

Sent: Monday, February 3, 2014 2:32 PM

To: Thomas W. Birmingham (tbirmingham@westlandswater.org); Jason Peltier (jpeltier@westlandswater.org); Dennis Cardoza ([REDACTED]@[REDACTED])

Subject: FW: House Dems ask for hearing on Western water shortage

Attachments: Demlettertodoc.pdf

FYI

House Dems ask for hearing on Western water shortage

Anne C. Mulkern, E&E reporter

Published: Monday, February 3, 2014

A group of House Democrats from California, Oregon, Arizona, Nevada and other states today asked for an emergency hearing on the Western drought.

"Over half of the contiguous United States is experiencing moderate to severe drought," the group said in the [letter](#) to Natural Resources Chairman Doc Hastings (R-Wash.). "The drought impacts all aspects of our jurisdiction, including water and power deliveries, wildlife and fisheries, and forest health and wildland fire management. As part of our oversight responsibilities, we are writing to request a bipartisan hearing on the drought impacts across the nation."

The Department of Agriculture has declared 11 states disaster areas due to drought, the Democrats said. California is experiencing the driest conditions in 500 years, and drought affects more than 62 percent of the state. Oregon is experiencing severe drought in more than three-fourths of the state. In Nevada, nearly 40 percent of the state is in extreme drought.

"The Bureau of Reclamation's core mission involves drought management, and many of its projects are already feeling the impacts of drought," the letter said. "One of the largest Reclamation projects is the Central Valley Project in California. The latest Department of Water Resources snowpack survey showed that the snowpack is 20 percent of normal. Shasta Dam, the largest federal reservoir in the system, is currently at 36 percent of capacity.

"California also experienced the driest year on record in 2013. With limited carryover storage and projected dry year, the drought will significantly impact the management of the State Water Project and the federal Central Valley Project in 2014."

The Natural Resources Subcommittee on Water and Power will hold a hearing Wednesday on the "Sacramento-San Joaquin Valley Emergency Water Delivery Act." [H.R. 3964](#) would undo a San Joaquin River restoration program that has been the object of a court settlement and intricate compromises between state and federal officials for decades. It would cap the delivery of water for environmental purposes, lengthen irrigation contracts and lift certain environmental protections in area watersheds, among other controversial provisions ([E&E Daily](#), Feb. 3).

The letter was signed by Reps. Peter DeFazio (D-Ore.), Grace Napolitano (D-Calif.), Steven Horsford (D-Nev.), Jim Costa (D-Calif.), Jared Huffman (D-Calif.), Katherine Clark (D-Mass.), Carol Shea-Porter (D-N.H.), Colleen Hanabusa (D-Hawaii), Raúl Grijalva (D-Ariz.), Matthew Cartwright (D-Pa.), Tony Cardenas (D-Calif.), and Raul Ruiz (D-Calif.); Dels. Gregorio Kilili Camacho Sablan (D-Northern Mariana Islands) and Madeleine Bordallo (D-Guam); and Resident Commissioner Pedro Pierluisi (D-Puerto Rico).

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BRADLEY BYRNE, AL

TODD YOUNG
CHIEF OF STAFF

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

PETER A. DeFAZIO, OR
RANKING DEMOCRATIC MEMBER
ENI F.H. FALCOMA, AS
FRANK PALLONE, JR., NJ
GRACE F. NAPOLITANO, CA
RUSH HOLT, NJ
RAUL M. GRIJALVA, AZ
MADELINE Z. BORDALLO, GU
JIM COSTA, CA
GREGORIO KILILI CAMACHO SABLON, CNMI
NIKI TSONGAS, MA
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CAROL SHEA-PORTER, NH
ALAN LOWENTHAL, CA
JOE GARCIA, FL
MATTHEW CARTWRIGHT, PA
KATHERINE CLARK, MA

PENNY DODGE
DEMOCRATIC STAFF DIRECTOR

February 03, 2014

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Hastings:

Over half of the contiguous United States is experiencing moderate to severe drought. The drought impacts all aspects of our jurisdiction, including water and power deliveries, wildlife and fisheries, and forest health and wildland fire management. As part of our oversight responsibilities, we are writing to request a bipartisan hearing on the drought impacts across the nation.

Impacts to Water and Power Deliveries. The Bureau of Reclamation's core mission involves drought management, and many of its projects are already feeling the impacts of drought. One of the largest Reclamation projects is the Central Valley Project in California. The latest Department of Water Resources snowpack survey showed that the snowpack is 20% of normal. Shasta Dam, the largest federal reservoir in the system is currently at 36% of capacity. California also experienced the driest year on record in 2013. With limited carryover storage and projected dry year, the drought will significantly impact the management of the State Water Project and the federal Central Valley Project in 2014.

The Colorado River is also facing its 14th consecutive year of drought. Based on the 2007 Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead, Reclamation has announced that it will release 7.48 million acre-feet of water from Lake Powell. This is the lowest release since the filling of Lake Powell in the 1960's. Lower lake levels will impact hydropower production in the region, recreation, and local tourism-dependent businesses. These water and power challenges are not isolated to the Colorado River basin or to California. These impacts are being seen all throughout the west.

Public Lands and Wildfire Management. Every year, wildfires rage across the western United States causing massive losses to public and private property, critical habitat, and watersheds that provide water resources to communities throughout the west. However, due to persistent drought conditions, wildfire frequency and intensity has grown substantially over recent years. According to the National

Interagency Fire Center, more acres burned in 2004, 2005, 2006, 2007, 2011, and 2012 than in any other years since 1960. Public land managers are faced with thinning budgets to prevent fires and increased drought-induced strains on natural resources such as changing snowpack trends and invasive species, among other things. Prolonged drought and the ensuing increase in the frequency and severity of wildfires also threatens the livelihood of the growing number of Americans living in the wildland-urban interface and creates challenges for businesses that rely on public lands for revenue.

Impacts to Wildlife and Fisheries. Many fish species managed by the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service (FWS), especially those that depend on rivers and estuaries for part or all of their life cycle, face significant challenges during drought conditions. Less water in rivers makes migration to and from the sea difficult for salmon, steelhead, and sturgeon, many stocks of which are already listed as threatened or endangered under the Endangered Species Act. California water managers in particular are running out of options to protect salmon and steelhead runs after several dry water years. Drought and its associated higher temperatures also make what water is left much warmer, increasing stress on commercially, recreationally, and ecologically important fish species. Drought can hit estuarine species particularly hard, as evidenced by the collapse of the oyster industry in Apalachicola Bay, Florida two summers ago, after persistent drought dramatically altered water chemistry and made oysters more susceptible to disease. Most importantly, drought increases conflict between competing potential uses of limited water supplies, including fisheries, agriculture, and municipalities. When elected officials fail to address these conflicts in a balanced way, the courts usually end up deciding.

Drought has severe repercussions for terrestrial wildlife as well. Arid environments become more susceptible to intense and sustained wildfires, which can cause massive wildlife habitat loss in ecosystems that are not fire-dependent. Wetlands also shrink during periods of drought, reducing the habitat available for migratory birds. Not only do these conditions increase the probability of extinction of threatened and endangered species, they also take a toll on more abundant game species, limiting opportunities for hunters and hurting rural economies.

Thank you in advance for considering our request for a hearing. If you have any questions, please feel free to contact my staff at 5-6065.


Sincerely,



Peter A. DeFazio
Member of Congress



Grace F. Napolitano
Member of Congress



Steven Horsford
Member of Congress



Jim Costa
Member of Congress



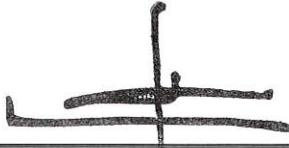
Jared Huffman
Member of Congress



Katherine Clark
Member of Congress



Carol Shea-Porter
Member of Congress



Colleen W. Hanabusa
Member of Congress



Raúl M. Grijalva
Member of Congress



Madeleine Z. Bordallo
Member of Congress



Matthew Cartwright
Member of Congress



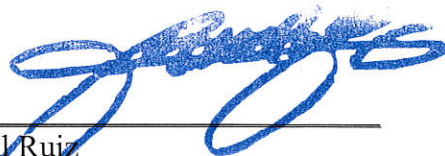
Tony Cárdenas
Member of Congress



Gregorio Kilili Camacho Sablan
Member of Congress



Pedro R. Pierluisi
Member of Congress



Raúl Ruiz
Member of Congress

From: Dennis Cardoza
Sent: Monday, February 3, 2014 2:57 PM
To: Bernhardt, David L.
CC: Thomas W. Birmingham (tbirmingham@westlandswater.org); Jason Peltier (jpeltier@westlandswater.org)
Subject: Re: House Dems ask for hearing on Western water shortage

Thanks David

Sent from my iPhone

On Feb 3, 2014, at 4:32 PM, "Bernhardt, David L." <DBernhardt@BHFS.com> wrote:

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Anne C. Mulkern, E&E reporter

Published: Monday, February 3, 2014

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have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

<Demlettertodoc.pdf>

From: Dennis Cardoza

Sent: Monday, February 3, 2014 3:03 PM

To: dennymontana@dennyrehberg.com

CC: David Longly Bernhardt; Dan Nelson; Ara Azhderian; Joe Findaro; Jason Peltier; Tom Birmingham

Subject: New email and direct office line

Dennis Cardoza

dcardoza@foley.com

Office 2022954015

Will be sending out announcements shortly but this is the update. Dennis

Sent from my iPhone

From: Tom Birmingham

Sent: Monday, February 3, 2014 3:32 PM

To: 'Karen Clark'

CC: 'David Bernhardt'; joe.findaro@akerman.com; 'Denny Rehberg'; 'Dennis Cardoza'; 'Jason Peltier'

Subject: Letter to Valadao

Attachments: Ltr in Support of HR 3964.docx; Attachment to Valadao Ltr.docx

Karen,

Please print the attached letter on District letterhead, and attach my signature. Also attached is an appendix to this letter. Please print the appendix and create a single document. Then return a pdf of the document to me for circulation.

Tom

February 3, 2014

The Honorable David Valadao
United States House of representatives
1004 Longworth HOB
Washington, DC 20515

RE: H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act

Dear Mr. Valadao:

I am writing on behalf of Westlands Water District to express its support of H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act.

As you know, California is experiencing an unprecedented drought. Last year was the driest calendar year on record in California, and every region of the state is experiencing severe water supply shortages. Water agencies that receive water from the federal Central Valley Project ("CVP") under water service contracts with the United States will receive a zero percent allocation for the upcoming irrigation season, and the allocation to water agencies that contract for the delivery of water from the California State Water Project ("SWP") was recently reduced from a 5% allocation to zero. As a consequence of these allocations, more than 500,000 acres of otherwise highly productive farmland will be fallowed, permanent crops will receive inadequate irrigation with concomitant reductions in yield or losses of permanent crops, and tens-of-thousands of farm workers will be unemployed.

The socio-economic impacts of these jobs losses are unimaginable, but they will certainly be worse than socio-economic impacts experienced in 2009, when the water allocation to south-of-Delta Central Valley Project agricultural water service contractor was 10%. In 2009, more than 20,000 farm workers lost their employment because farmers had inadequate water to irrigate their lands, businesses that support irrigated agriculture or operate in San Joaquin Valley communities that depend on irrigated agriculture were forced to layoff additional workers, and people were compelled to stand in food lines, often to be told that food banks had run out of food or to be given produce imported from foreign countries.

The real tragedy of current conditions is that they were predictable and avoidable. Indeed, the current conditions were predicted. Opponents of H.R. 3964 will argue that the current circumstance is a result of drought, a period of prolonged dryness that has deprived the State of California with inadequate rain and snow to meet its water supply demands. In part, they will be correct; however, what this argument ignores is that the water supplies available to public water agencies in 2014 from both the Central Valley Project and the State Water Project have been greatly reduced because of the

The Honorable David Valadao
February 3, 2014

implementation of the Central Valley Project Improvement Act and the Endangered Species Act in prior years. In the last water year, October 1, 2012 – September 30, 2013, the implementation of the Endangered Species Act resulted in a loss of more than 815,000 acre-feet of water for public water agencies that receive water pumped at Delta pumping plants operated by the CVP and SWP. (A question that must be asked is whether the loss of this water provided any protection to the Delta smelt, the species that was the intended beneficiary of the actions that resulted in this water loss. Notwithstanding those actions to protect the Delta smelt, which cost more than 815,000 acre-feet, the 2013 Fall Midwater Trawl Survey index for this species was 18, the second lowest number on record since 1967.) The current year water supply of those public water agencies would be dramatically improved had those 815,000 acre-feet not been lost.

For the CVP, the CVPIA and the ESA have dramatically changed the reliability and adequacy of the CVP as a source of water. Losses of water supply under CVPIA and ESA have steadily increased, becoming progressively more and more damaging. South-of-Delta CVP irrigation water service contractors, like Westlands, have gone from an average supply of 92% of the contract quantities in 1992 to 35 – 40% today. For Westlands, this represents an average loss of approximately 675,000 acre-feet of water on an annual basis; for all south-of-Delta CVP irrigation water service contractors this represents a loss of approximately 1.1 million acre-feet. And the price paid for those losses is measured in lost jobs, diminished productivity, and higher costs of food production.

H.R. 3964 addresses the unbalanced manner in which the CVPIA and ESA have affected water supplies for the State of California generally, and the San Joaquin Valley, in particular. If enacted, H.R. 3964 would restore operational flexibility to the CVP and SWP and would benefit workers, farmers, and consumers alike. Moreover, it does so through amendments that are consistent with Congress' past efforts to reform CVP operations and to protect the environment. (A more detailed explanation of how H.R. 3964 would achieve these benefits is contained in the Attachment to this letter.)

H.R.3964 in its present form has many parts and there will be, without question, opposition to the legislation. Reasonable people can differ on how the CVPIA and ESA should be applied to operations of the CVP and SWP, and Westlands is confident that as this legislation considered by both the House of Representatives and the Senate, you will be open in welcoming suggestions for amendments to the bill. If H.R.3964 does not have all the right answers, it nonetheless provides a useful roadmap to the issues that must be evaluated in deciding the future of the water supplies for the San Joaquin Valley and other regions of the State. But from Westlands perspective, one thing is beyond reasonable dispute; Congress must act to provide direction on how the CVPIA and ESA will apply to operations of the CVP and SWP. The existing emergency demands that Congress act quickly to avoid needless human suffering and to ensure that the people of California will have adequate water supplies while the state pursues long-term solutions to what have become vexing, chronic problems of providing an adequate, reliable water supply while providing meaningful protections to the environment.

The Honorable David Valadao
February 3, 2014

I look forward to working closely with you and other Members of Congress on these issues.

Very truly yours,

Thomas W. Birmingham
General Manager

cc: The Honorable Doc Hastings
 The Honorable Kevin McCarthy
 The Honorable Tom McClintock
 The Honorable Devin Nunes
 The Honorable Jim Costa
 The Honorable Jeff Denham

ATTACHMENT TO WESTLANDS WATER DISTRICT
FEBRUARY 3, 2014, LETTER TO THE HONORABLE DAVID VALADAO
IN SUPPORT OF H.R. 3964

Amendments to CVPIA

H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act, would not change the Central Valley Project Improvement Act ("CVPIA"). Rather H.R. 3964 would restore the original balance and purpose that Congress intended when it passed that legislation. To understand how the amendments to the Central Valley Project Improvement Act proposed by H.R. 3964 would accomplish this restoration, it is important to review the original purposes of CVPIA. They were:

- (a) to protect, restore, and enhance fish, wildlife, and associated habitats in the Central Valley and Trinity River basins of California;
- (b) to address impacts of the Central Valley Project on fish, wildlife and associated habitats;
- (c) to improve the operational flexibility of the Central Valley Project;
- (d) to increase water-related benefits provided by the Central Valley Project to the State of California through expanded use of voluntary water transfers and improved water conservation;
- (e) to contribute to the State of California's interim and long-term efforts to protect the San Francisco Bay/Sacramento-San Joaquin Delta Estuary;
- (f) to achieve a reasonable balance among competing demands for use of Central Valley Project water, including the requirements of fish and wildlife, agricultural, municipal and industrial and power contractors.

Operational flexibility, water-related benefits and reasonable balance are still powerful concepts for resolving California's water problems. However, the implementation of CVPIA has impaired operational flexibility, has reduced water-supply benefits, and has hardly been balanced. H.R. 3964 would further the concepts of operational flexibility, water-related benefits and a reasonable balance.

Mandating Compliance with the 800,000 Acre-Feet Limit

As an example, even though section 3406(b)(2) limits at 800,000 acre-feet the quantity of CVP water to be managed for the purposes described in section 3406(b)(2), the Department of the Interior has interpreted the statute in a manner that allows it to use annually much more than 800,000 acre-feet for those purposes. In 2009, when south-of-Delta CVP agricultural water service contractors received just a 10% allocation, Interior used 844,200 acre-feet of CVP water for the purposes specified in section 3406(b)(2). In 2010, when south-of-Delta CVP agricultural water service contractors received a 45% allocation, Interior used 1,031,200 acre-feet for the purposes specified in section 3406(b)(2). In 2012, the most recent year for which the Bureau of Reclamation has prepared a section 3406(b)(2) accounting, Interior used 1,276,300 acre-feet for the purposes specified in section 3406(b)(2). In that year, CVP south-of-Delta agricultural water service contractors received a 40% allocation. That cannot represent the balance Congress intended when it enacted CVPIA.

H.R. 3964 would amend section 3406(b)(2) to eliminate the unlimited discretion that Interior has created for itself. H.R. 3964 would require that all CVP water used for the purposes articulated by that section of the Act be counted toward the 800,000 acre-feet. H.R. 3964 would accomplish this by deleting the word "primary" and directing that "[a]ll Central Valley Project water used for the purposes specified in this paragraph shall be credited to the quantity of

Central Valley Project yield dedicated and managed under this paragraph . . .” H.R. 3964, section 105(1)(B).

A review of the legislative history of section 3406(b)(2) will demonstrate how this amendment would ensure that Interior’s future implementation of section 3406(b)(2) would be consistent with the intent of Congress when it enacted CVPIA.

The legislation that resulted in the enactment of section 3406(b)(2) was introduced as section 6 of H.R. 5099, on May 7, 1992. As introduced, section 6 of H.R. 5099 directed the Secretary to “assign to 1.5 million acre-feet of project yield the *primary purpose of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by this Act*, except that such quantity of water shall be in addition to the water required to implement b(6) and subparagraph b(15)(A) of this section.” (H.R. 5099, 102nd Cong. (1992) (emphasis added).)

As passed by the House of Representatives, however, this section directed the Secretary to, “[u]pon enactment of this Act, and after implementing the operational changes authorized in subsection (b)(1)(B), make available project water for *the primary purpose of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by this section*, except that such quantity of water shall be in addition to that required to implement subsection b(6) and subparagraph b(15)(A).” (H.R. 5099, 102nd Cong. (1992) (emphasis added).)

It is evident that as introduced and passed by the House, section 6 included the same “primary purpose” language found in section 3406(b)(2) of the enacted statute: however, section 6 did not list the other uses of water that were subsequently added to the section 3406(b)(2). The words “primary purpose,” therefore, could not have been intended by Congress to establish the “hierarchy of purposes” created by Interior’s interpretation of the statute; rather, the words “primary purpose” were intended to connote that the primary use of the water dedicated to the fish, wildlife, and habitat restoration purposes and measures authorized by the Act could be used for other authorized purposes.

Nothing in the legislative history of section 3406(b)(2) suggests a congressional intent that Interior could avoid the 800,000 acre-feet limit by creating a “hierarchy of purposes.” To the contrary, the entire legislative history indicates that Congress intended to create a fixed limit on the quantity of water that could be dedicated and managed under the Act for the purposes articulated in section 3406(b)(2).

During the floor debate in the House of Representatives on the Conference Committee report, Representative Vic Fazio stated the following concerning his understanding of the language that ultimately became law:

The bill clearly allows this so-called upfront water to serve other project purposes. The language which would have barred the conjunctive use of upfront water has been stricken.

The bill also *credits* the upfront water toward other requirements imposed on the project under the *Endangered Species Act* and *the requirements that we anticipate being imposed on the project under the Bay-Delta process*. The Secretary of the Interior is required, to the greatest degree practicable, to manage the fish and wildlife water in such a manner so as to avoid duplication with these other requirements.

The conference report also establishes a clear limit on the amount of water that is provided for fish and wildlife purposes pursuant to this title – 800,000 acre-feet in normal water years and 600,000 acre-feet in dry years. This is far better than the open ended, unlimited demand that would have been placed on the project pursuant to the earlier versions of Title 34. It provides certainty on this score, which is of significant benefit to both the water users and the environment.

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In describing the Conference Committee report even the author of the legislation, Representative George Miller, used language that infers a cap and that water used for all three purposes described in section 3406(b)(2) would be credited against that cap:

The gentleman from California [Mr. Fazio] opened up a deadlocked conference with a letter suggesting changes that could be made to provide additional benefits in the fish and wildlife area, at the same time providing additional benefits in the agricultural area. As a result of that, they now say that we reserved 800,000-acre feet for fish and wildlife. They know that is the amount of water that the Bay Delta Studies and Endangered Species Act are going to require. It is a question whether we do it or the courts do it.

The gentleman from California [Mr. Fazio] took that from 1 million to 800,000.

138 Cong. Rec. 11495.

Senator Malcolm Wallop, the floor manager of the Conference Committee report, described the 800,000 acre-feet of CVP yield under section (b)(2) as “up-front water designed to deal with the requirements of the Endangered Species Act and Delta requirements while the various mitigation actions are undertaken.” 138 Cong. Rec. S. 17660 (statement of Sen. Wallop during Senate debate of CVPIA). On the floor, Senator Wallop explained the conference report as follows:

What the Senate achieved is elimination of the citizen suit provisions which kept recurring. Also missing, at long last, is the auctioning off to the highest bidder by the Federal Government of 100,000 acre feet of the State of California's water. While the CVP will be required to mitigate the fish and wildlife impacts of the project, those mitigation requirements are defined and contained within the four corners of this legislation. The 1.5 million acre feet of permanently dedicated water, which is where we started this Congress, *is now 800,000 acre feet of temporary, up-front water designed to deal with the requirements of the Endangered Species Act and delta requirements while the various mitigation actions are undertaken.*

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In a letter to President George H. W. Bush, urging him to sign the legislation, Senator Wallop stated:

5) WATER Miller-Bradley required 1.5 million af of water as a permanent commitment for fish and wildlife. *The Conference agreed to 800,000 af, but provided that all requirements of the Endangered Species Act (330,000 af last year) and any Delta requirements would be charged against that 800,000 af.* In addition, the 800,000 af is subject to reductions in dry years as irrigation contracts are cut back, unlike Miller-Bradley. (Emphasis added).

Dedicating and Managing Yield

An additional amendment to section 3406(b)(2) proposed by H.R. 3964 that would give meaning to the words used by Congress when it enacted CVPIA in 1992 would require that Interior account for actions implemented under that provision of the law “by determining how the dedication and management of such water would affect the delivery capability of the Central Valley Project during the 1928 to 1934 drought period after fishery, water quality, and other flow and operational requirements imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing on October 30, 1992, have been met.”

At the time Congress enacted section 3406(b)(2) it did not direct that the Secretary “dedicate and manage annually” CVP water; rather it directed that the Secretary “dedicated and manage annually Central Valley Project yield.” Congress then defined “Central Valley Project yield” to mean “the delivery capability of the Central Valley Project during the 1928 to 1934 drought period after fishery, water quality, and other flow and operational requirements imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing on October 30, 1992, have been met.” H.R. 3964 section 105(1)(B)(iii).

When Congress enacted CVPIA in 1992, the Bureau of Reclamation understood the significant difference between dedicating and managing “yield” and dedicating and managing water. Indeed, in documents prepared by Reclamation describing its view on how the Secretary should account for actions implemented pursuant to section 3406(b)(2), Reclamation wrote:

Reclamation believes that the use of the term ‘yield’ in section 3406(b)(2) has significant legal implication in defining how the 800,000 AF can be managed. Effectively, the Act limits B2 water to those [Anadromous Fish Restoration Program] actions that could be undertaken with 800,000 AF of yield during the 1928-1934 period.

Key to proper interpretation of section 3406(b)(2) are the phrases ‘delivery capability’ and ‘during the 1928-34 drought.’ Usage of these two phrases means that Congress was dedicating the 800,000 AF from the yield of the project, not annual deliveries. ‘Yield’ is a term of art used by Reclamation to determine the

quantity of water available to meet project demands.

* * *

Using the traditional concept of yield (which was intended by CVPIA), the following process should be used to determine how to manage the 800,000 AF. Reclamation should calculate the degree to which a particular requirement, imposed for the benefit of fish and wildlife, will theoretically reduce yield by comparing project operations with and without the obligation during the seven-year drought period. Additional measures would continue to be implemented, in order of priority, until there is a reduction in yield of 800,000 AF over the 1928-34 period. The specific set of management options that can be met using this water define the maximum obligation that can be dedicated under section 3406(b)(2). The set of management options could be changed, but only prior to the beginning of a new water year, and only after the yield analysis has been performed and shows that impacts would not exceed 800,000 AF of yield during 1928-34.

In deciding how to account for actions implemented under section 3406(b)(2), however, the Secretary of the Interior rejected Reclamation's determination. The Secretary rejected the view of the agency within Interior that had the expertise in operating the CVP. Instead, the Secretary chose to interpret section 3406(b)(2) in a manner that made "yield" synonymous with "water". H.R. 3964 would correct this misinterpretation of the Act and require that the Secretary account for the 800,000 acre-feet in a manner consistent with Reclamation's original interpretation and consistent with the words originally used by Congress.

Compliance with the Endangered Species Act

Section 108 of H.R. 3964 provides much needed guidance concerning application of the Endangered Species Act ("ESA") to operations of the CVP and the SWP. H.R. 3964 provides that the requirements of the ESA shall be fully met for the protection and conservation of the listed species affected by operations of the CVP and the SWP, if the two projects are operated in a manner consistent with the "Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government" ("Bay-Delta Accord.").

The Bay-Delta Accord was signed on December 15, 1994, by numerous state and federal agencies, including the Department of the Interior and the Department of Commerce, and it was intended as a state/federal agreement on Bay-Delta environmental protection. The agreement resulted from over 12 months of scientific analysis and multi-interest negotiations. In the end, a broad range of stakeholder groups including environmental organizations, business groups, and urban and agricultural water agencies from throughout California signed or supported the Bay-Delta Accord. The signing of the Bay-Delta Accord was hailed as a landmark event that ushered in a new era in California water management. It signaled a policy shift away from the divisive bickering and lawsuits of the prior two decades and an attempt to form a collaborative effort to craft a viable long-term solution for the Bay-Delta.

The Accord established interim Bay-Delta standards supported by both state and federal governments that were intended to provide the species protection required to comply with the

ESA, and in fact, the Accord dedicated approximately 1 million acre-feet of CVP and SWP water for the protection of listed species in a dry year. When the Bay-Delta Accord was signed, then Secretary of the Interior Bruce Babbitt proclaimed: "A deal is a deal, and if it turns out there is a need for additional water it will come at the expense of the federal government." Secretary Babbitt added, "[a]ny additional water necessary under any change of circumstance will be bought and paid for by the federal government," and that the Bay-Delta Accord was "a demonstration that the Endangered Species Act is workable and that it can play an important role in finding a balance between economic and environmental issues."

The Bay-Delta Accord did serve as the basis for compliance with the ESA for operations of the CVP and SWP until 2007¹, when the United States District Court for the Eastern District of California ruled, in litigation brought by a number of non-governmental organizations, that biological opinions based on the Bay-Delta Accord were not prepared in compliance with the ESA. H.R. 3964 would restore the promise made by former Secretary Babbitt that "a deal is a deal." It would not, however, prevent additional actions from being taken to protect listed species if it were determined that such actions were required. For instance, nothing in H.R. 3964 prevents the implementation of other conservation programs, including habitat restoration, to help conserve listed species. Moreover, H.R. 3964 does nothing to interfere with the Secretary's authority in CVPIA section 3406(b)(1) to re-operate the CVP for the benefit of listed species so long as the reoperation "does not conflict with fulfillment of the Secretary's remaining contractual obligations to provide Central Valley Project water for other authorized purposes." Nor does H.R. 3964 interfere with the Secretary's authority in section 3406(b)(3) to acquire water for the benefit of listed species.

¹ The 2000 CALFED Record of Decision did provide additional water for the protection of listed species in the Delta through the Environmental Water Account. However, consistent with the Bay-Delta Accord, this water was acquired by the state and federal governments at no cost to the water agencies that receive water from the CVP and SWP.

From: Tom Birmingham

Sent: Monday, February 3, 2014 4:50 PM

To: 'Marklund, Chris'

CC: 'Nelson, Damon'; 'Lombardi, Kyle'; 'Glenn, Kristen'; 'Weaver, Kiel'; 'Petersen, Scott'; 'Larrabee, Jason'; 'David Bernhardt'; joe.findaro@akerman.com; 'Denny Rehberg'

Subject: H.R 3964 Support Letter

Attachments: Ltr and Attachment to Valadao.pdf

Importance: High

Gentlemen,

Attached is a letter in support of H.R. 3964. Please share the letter with your respective bosses.

Thank you,
Tom



Westlands Water District

3130 N. Fresno Street, P.O. Box 6056, Fresno, California 93703-6056, (559) 224-1523, FAX (559) 241-6277

February 3, 2014

The Honorable David Valadao
United States House of representatives
1004 Longworth HOB
Washington, DC 20515

RE: H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act

Dear Mr. Valadao:

I am writing on behalf of Westlands Water District to express its support of H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act.

As you know, California is experiencing an unprecedented drought. Last year was the driest calendar year on record in California, and every region of the state is experiencing severe water supply shortages. Water agencies that receive water from the federal Central Valley Project ("CVP") under water service contracts with the United States will receive a zero percent allocation for the upcoming irrigation season, and the allocation to water agencies that contract for the delivery of water from the California State Water Project ("SWP") was recently reduced from a 5% allocation to zero. As a consequence of these allocations, more than 500,000 acres of otherwise highly productive farmland will be fallowed, permanent crops will receive inadequate irrigation with concomitant reductions in yield or losses of permanent crops and tens-of-thousands of farm workers will be unemployed.

The socio-economic impacts of these jobs losses are unimaginable, but they will certainly be worse than socio-economic impacts experienced in 2009, when the water allocation to south-of-Delta Central Valley Project agricultural water service contractor was 10%. In 2009, more than 20,000 farm workers lost their employment because farmers had inadequate water to irrigate their lands, businesses that support irrigated agriculture or operate in San Joaquin Valley communities that depend on irrigated agriculture were forced to layoff additional workers, and people were compelled to stand in food lines, often to be told that food banks had run out of food or to be given produce imported from foreign countries.

The real tragedy of current conditions is that they were predictable and avoidable. Indeed, the current conditions were predicted. Opponents of H.R. 3964 will argue that the current circumstance is a result of drought, a period of prolonged dryness that has deprived the State of California with inadequate rain and snow to meet its water supply demands. In part, they will be correct; however, what this argument ignores is that the water supplies available to public water agencies in 2014 from both the Central Valley Project and the State Water Project have been

The Honorable David Valadao
February 3, 2014

greatly reduced because of the implementation of the Central Valley Project Improvement Act and the Endangered Species Act in prior years. In the last water year, October 1, 2012 – September 30, 2013, the implementation of the Endangered Species Act resulted in a loss of more than 815,000 acre-feet of water for public water agencies that receive water pumped at Delta pumping plants operated by the CVP and SWP. (A question that must be asked is whether the loss of this water provided any protection to the Delta smelt, the species that was the intended beneficiary of the actions that resulted in this water loss. Notwithstanding those actions to protect the Delta smelt, which cost more than 815,000 acre-feet, the 2013 Fall Midwater Trawl Survey index for this species was 18, the second lowest number on record since 1967.) The current year water supply of those public water agencies would be dramatically improved had those 815,000 acre-feet not been lost.

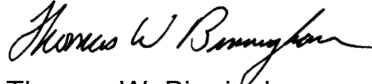
For the CVP, the CVPIA and the ESA have dramatically changed the reliability and adequacy of the CVP as a source of water. Losses of water supply under CVPIA and ESA have steadily increased, becoming progressively more and more damaging. South-of-Delta CVP irrigation water service contractors, like Westlands, have gone from an average supply of 92% of the contract quantities in 1992 to 35 – 40% today. For Westlands, this represents an average loss of approximately 675,000 acre-feet of water on an annual basis; for all south-of-Delta CVP irrigation water service contractors this represents a loss of approximately 1.1 million acre-feet. And the price paid for those losses is measured in lost jobs, diminished productivity, and higher costs of food production.

H.R. 3964 addresses the unbalanced manner in which the CVPIA and ESA have affected waters supplies for the State of California generally, and the San Joaquin Valley, in particular. If enacted, H.R. 3964 would restore operational flexibility to the CVP and SWP and would benefit workers, farmers, and consumers alike. Moreover, it does so through amendments that are consistent with Congress' past efforts to reform CVP operations and to protect the environment. (A more detailed explanation of how H.R. 3964 would achieve these benefits is contained in the Attachment to this letter.)

H.R.3964 in its present form has many parts and there will be, without question, opposition to the legislation. Reasonable people can differ on how the CVPIA and ESA should be applied to operations of the CVP and SWP, and Westlands is confident that as this legislation considered by both the House of Representatives and the Senate, you will be open in welcoming suggestions for amendments to the bill. If H.R.3964 does not have all the right answers, it nonetheless provides a useful roadmap to the issues that must be evaluated in deciding the future of the water supplies for the San Joaquin Valley and other regions of the State. But from Westlands perspective, one thing is beyond reasonable dispute; Congress must act to provide direction on how the CVPIA and ESA will apply to operations of the CVP and SWP. The existing emergency demands that Congress act quickly to avoid needless human suffering and to ensure that the people of California will have adequate water supplies while the state pursues long-term solutions to what have become vexing, chronic problems of providing an adequate, reliable water supply while providing meaningful protections to the environment.

I look forward to working closely with you and other Members of Congress on these issues.

Very truly yours,

A handwritten signature in black ink, reading "Thomas W. Birmingham". The signature is fluid and cursive, with the first name "Thomas" being the most prominent.

Thomas W. Birmingham
General Manager

cc: The Honorable Doc Hastings
 The Honorable Kevin McCarthy
 The Honorable Tom McClintock
 The Honorable Devin Nunes
 The Honorable Jim Costa
 The Honorable Jeff Denham

Enclosure

ATTACHMENT TO WESTLANDS WATER DISTRICT
FEBRUARY 3, 2014, LETTER TO THE HONORABLE DAVID VALADAO
IN SUPPORT OF H.R. 3964

Amendments to CVPIA

H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act, would not change the Central Valley Project Improvement Act ("CVPIA"). Rather H.R. 3964 would restore the original balance and purpose that Congress intended when it passed that legislation. To understand how the amendments to the Central Valley Project Improvement Act proposed by H.R. 3964 would accomplish this restoration, it is important to review the original purposes of CVPIA. They were:

- (a) to protect, restore, and enhance fish, wildlife, and associated habitats in the Central Valley and Trinity River basins of California;
- (b) to address impacts of the Central Valley Project on fish, wildlife and associated habitats;
- (c) to improve the operational flexibility of the Central Valley Project;
- (d) to increase water-related benefits provided by the Central Valley Project to the State of California through expanded use of voluntary water transfers and improved water conservation;
- (e) to contribute to the State of California's interim and long-term efforts to protect the San Francisco Bay/Sacramento-San Joaquin Delta Estuary;
- (f) to achieve a reasonable balance among competing demands for use of Central Valley Project water, including the requirements of fish and wildlife, agricultural, municipal and industrial and power contractors.

Operational flexibility, water-related benefits and reasonable balance are still powerful concepts for resolving California's water problems. However, the implementation of CVPIA has impaired operational flexibility, has reduced water-supply benefits, and has hardly been balanced. H.R. 3964 would further the concepts of operational flexibility, water-related benefits and a reasonable balance.

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As an example, even though section 3406(b)(2) limits at 800,000 acre-feet the quantity of CVP water to be managed for the purposes described in section 3406(b)(2), the Department of the Interior has interpreted the statute in a manner that allows it to use annually much more than 800,000 acre-feet for those purposes. In 2009, when south-of-Delta CVP agricultural water service contractors received just a 10% allocation, Interior used 844,200 acre-feet of CVP water for the purposes specified in section 3406(b)(2). In 2010, when south-of-Delta CVP agricultural water service contractors received a 45% allocation, Interior used 1,031,200 acre-feet for the purposes specified in section 3406(b)(2). In 2012, the most recent year for which the Bureau of Reclamation has prepared a section 3406(b)(2) accounting, Interior used 1,276,300 acre-feet for the purposes specified in section 3406(b)(2). In that year, CVP south-of-Delta agricultural water service contractors received a 40% allocation. That cannot represent the balance Congress intended when it enacted CVPIA.

H.R. 3964 would amend section 3406(b)(2) to eliminate the unlimited discretion that Interior has created for itself. H.R. 3964 would require that all CVP water used for the purposes articulated by that section of the Act be counted toward the 800,000 acre-feet. H.R. 3964 would accomplish this by deleting the word "primary" and directing that "[a]ll Central Valley Project water used for the purposes specified in this paragraph shall be credited to the quantity of

Central Valley Project yield dedicated and managed under this paragraph . . .” H.R. 3964, section 105(1)(B).

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When Congress enacted CVPIA in 1992, the Bureau of Reclamation understood the significant difference between dedicating and managing “yield” and dedicating and managing water. Indeed, in documents prepared by Reclamation describing its view on how the Secretary should account for actions implemented pursuant to section 3406(b)(2), Reclamation wrote:

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quantity of water available to meet project demands.

* * *

Using the traditional concept of yield (which was intended by CVPIA), the following process should be used to determine how to manage the 800,000 AF. Reclamation should calculate the degree to which a particular requirement, imposed for the benefit of fish and wildlife, will theoretically reduce yield by comparing project operations with and without the obligation during the seven-year drought period. Additional measures would continue to be implemented, in order of priority, until there is a reduction in yield of 800,000 AF over the 1928-34 period. The specific set of management options that can be met using this water define the maximum obligation that can be dedicated under section 3406(b)(2). The set of management options could be changed, but only prior to the beginning of a new water year, and only after the yield analysis has been performed and shows that impacts would not exceed 800,000 AF of yield during 1928-34.

In deciding how to account for actions implemented under section 3406(b)(2), however, the Secretary of the Interior rejected Reclamation's determination. The Secretary rejected the view of the agency within Interior that had the expertise in operating the CVP. Instead, the Secretary chose to interpret section 3406(b)(2) in a manner that made "yield" synonymous with "water". H.R. 3964 would correct this misinterpretation of the Act and require that the Secretary account for the 800,000 acre-feet in a manner consistent with Reclamation's original interpretation and consistent with the words originally used by Congress.

Compliance with the Endangered Species Act

Section 108 of H.R. 3964 provides much needed guidance concerning application of the Endangered Species Act ("ESA") to operations of the CVP and the SWP. H.R. 3964 provides that the requirements of the ESA shall be fully met for the protection and conservation of the listed species affected by operations of the CVP and the SWP, if the two projects are operated in a manner consistent with the "Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government" ("Bay-Delta Accord.").

The Bay-Delta Accord was signed on December 15, 1994, by numerous state and federal agencies, including the Department of the Interior and the Department of Commerce, and it was intended as a state/federal agreement on Bay-Delta environmental protection. The agreement resulted from over 12 months of scientific analysis and multi-interest negotiations. In the end, a broad range of stakeholder groups including environmental organizations, business groups, and urban and agricultural water agencies from throughout California signed or supported the Bay-Delta Accord. The signing of the Bay-Delta Accord was hailed as a landmark event that ushered in a new era in California water management. It signaled a policy shift away from the divisive bickering and lawsuits of the prior two decades and an attempt to form a collaborative effort to craft a viable long-term solution for the Bay-Delta.

The Accord established interim Bay-Delta standards supported by both state and federal governments that were intended to provide the species protection required to comply with the

ESA, and in fact, the Accord dedicated approximately 1 million acre-feet of CVP and SWP water for the protection of listed species in a dry year. When the Bay-Delta Accord was signed, then Secretary of the Interior Bruce Babbitt proclaimed: "A deal is a deal, and if it turns out there is a need for additional water it will come at the expense of the federal government." Secretary Babbitt added, "[a]ny additional water necessary under any change of circumstance will be bought and paid for by the federal government," and that the Bay-Delta Accord was "a demonstration that the Endangered Species Act is workable and that it can play an important role in finding a balance between economic and environmental issues."

The Bay-Delta Accord did serve as the basis for compliance with the ESA for operations of the CVP and SWP until 2007¹, when the United States District Court for the Eastern District of California ruled, in litigation brought by a number of non-governmental organizations, that biological opinions based on the Bay-Delta Accord were not prepared in compliance with the ESA. H.R. 3964 would restore the promise made by former Secretary Babbitt that "a deal is a deal." It would not, however, prevent additional actions from being taken to protect listed species if it were determined that such actions were required. For instance, nothing in H.R. 3964 prevents the implementation of other conservation programs, including habitat restoration, to help conserve listed species. Moreover, H.R. 3964 does nothing to interfere with the Secretary's authority in CVPIA section 3406(b)(1) to re-operate the CVP for the benefit of listed species so long as the reoperation "does not conflict with fulfillment of the Secretary's remaining contractual obligations to provide Central Valley Project water for other authorized purposes." Nor does H.R. 3964 interfere with the Secretary's authority in section 3406(b)(3) to acquire water for the benefit of listed species.

¹ The 2000 CALFED Record of Decision did provide additional water for the protection of listed species in the Delta through the Environmental Water Account. However, consistent with the Bay-Delta Accord, this water was acquired by the state and federal governments at no cost to the water agencies that receive water from the CVP and SWP.

From: Bernhardt, David L.


Sent: Tuesday, February 4, 2014 6:31 AM

To: Thomas W. Birmingham (tbirmingham@westlandswater.org); Jason Peltier (jpeltier@westlandswater.org); Dennis Cardoza ([REDACTED]@[REDACTED] [REDACTED] Ed Manning (emanning@ka-pow.com)

Subject: FYI From E&E Daily -- WATER: Calif. governor slams House GOP drought bill

Subject: From E&E Daily -- WATER: Calif. governor slams House GOP drought bill

This E&E Daily story was sent to you by: rsmith@bhfs.com



AN E&E PUBLISHING SERVICE

WATER: Calif. governor slams House GOP drought bill *(Tuesday, February 4, 2014)*

Debra Kahn, E&E reporter

California Gov. Jerry Brown (D) lashed out yesterday at a Republican-sponsored bill dealing with the state's water crisis, calling it "unwelcome and divisive."

The bill, [H.R. 3964](#), seeks to secure more water for farmers in California's parched Central Valley by reversing environmental protections for fish in the Sacramento-San Joaquin River Delta.

Brown said that the bill threatens to upend the delicate balance of water interests in the state, which have been sparring for years over the best use of scarce resources in dry years. This winter, the state has seen record-low rain and snowfall, forcing cuts in water deliveries from the delta to farmers and urban users.

The fast-moving bill, by California GOP Reps. David Valadao, Kevin McCarthy and Devin Nunes, is scheduled for a hearing today in the House Rules Committee, and a floor vote tomorrow or Thursday ([E&E Daily](#), Feb. 3).

"H.R. 3964 is an unwelcome and divisive intrusion into California's efforts to manage this severe crisis," Brown wrote in his [letter](#) to House Natural Resources Chairman Doc Hastings (R-Wash.) and ranking member Peter DeFazio (D-Ore.).

"It falsely suggests the promise of water relief when that is simply not possible given the scarcity of water supplies," he wrote. "H.R. 3964 would interfere with our ability to respond effectively and flexibly to the current emergency, and would re-open old water wounds undermining years of progress toward reaching a collaborative long-term solution to our water needs."

The bill originally surfaced this session as a proposed amendment to the sprawling farm bill that passed the House last week.

Similar to a bill that Nunes introduced in 2011, it would undo a San Joaquin River restoration program that has been the object of a court settlement and intricate compromises between state and federal officials for decades. It would cap the delivery of water for environmental purposes and would lengthen irrigation contracts and lift certain environmental protections in area watersheds, among other controversial provisions ([E&E Daily](#), Jan. 30).

Sen. Dianne Feinstein (D-Calif.), who has also come out harshly against the bill, is planning to introduce her own drought legislation this week, according to her staff.

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From: Bernhardt, David L.

Sent: Tuesday, February 4, 2014 9:11 AM

To: Thomas W. Birmingham (tbirmingham@westlandswater.org); Jason Peltier (jpeltier@westlandswater.org); Dennis Cardoza ([REDACTED]@[REDACTED] joe.findaro@akerman.com; 'Denny Rehberg' (DRehberg@mercuryllc.com)

Subject: FW: HR 3964-Summary of Amendments v2

Attachments: HR 3964-Summary of Amendments submitted v2.pdf

All: Here is the summary of amendments that were filed in rules. No real surprises.

From: Blake, Nathan

Sent: Tuesday, February 04, 2014 10:37 AM

To: Blake, Nathan

Subject: HR 3964-Summary of Amendments v2

Please note the addition of Speier 16

Summary of Amendments Submitted to the Rules Committee for

H.R. 3964 - Sacramento-San Joaquin Valley Emergency Water Delivery Act

(summaries derived from information provided by sponsors)

Listed in Alphabetical Order

Feb 4, 2014 10:34AM

Click on sponsor for amendment text.

- | | | |
|---|------------|---|
| Bera, (CA),
McNerney (CA),
Thompson, Mike
(CA), Matsui (CA),
Garamendi (CA),
Swalwell (CA) | #12 | Delays implementation of the act until it is determined that it will not have a negative impact on the quantity, quality, and safety of drinking water in the California Delta region. |
| Capps (CA) | #15 | Requires GAO to conduct a study on the resiliency and adaptability of all Bureau of Reclamation projects and facilities to any ongoing or forecasted changes to the quality, quantity, or reliability of water resources. |
| Castor (FL) | #1 | Delays flood insurance premium changes until completion of affordability study |
| Costa (CA) | #2 | Creates a joint committee of the House and Senate with the purpose of drafting bipartisan, bicameral legislation by the end of 2014 to address the repeated and ongoing drought and water supply shortage conditions in California. |

Costa (CA)	#3	Strikes Title II from the bill, restoring the San Joaquin River Restoration Settlement Act as agreed to by the local stakeholders.
DeFazio (OR), Huffman (CA), DelBene (WA), Speier (CA)	#13	Establishes the Governor of California's emergency drought declaration, issued January 17, 2014, as a formal request to the Secretary of Commerce to issue a determination, using her authority under Section 312 of the Magnuson-Stevens Act, that a fishery resource disaster has occurred for fisheries that originate in the State of California.
Huffman (CA)	#10	Prevents provisions of the bill from taking effect until it has been determined that it will not harm the water quality and water availability, including fishing rights, of affected Indian tribes. Clarifies that nothing in the bill would diminish the water, fishing, and other rights of affected Indian tribes.
Huffman (CA)	#11	Prevents provisions of the bill from taking effect until it has been determined that it will not interfere with the State of California's Delta and water management reform and funding Acts of 2009, including SB7x-1, SB7x-2, SB7x-6, and SB7x-7.
Matsui (CA)	#5	Section 107 will not suspend "b2" water (800,000 acre feet) that was allocated in the 1992 Central Valley Project Improvement Act. Senior water rights holders in the Delta or north of Delta shall not be responsible for the project yield allocation or B2 water.
McNerney (CA), Thompson, Mike (CA), Capps (CA)	#6	Strikes the bill and establishes a Joint Select Committee on Long-Term Drought to address drought issues in the West.
McNerney (CA)	#7	Sunsets the bill at the end of the last day of the Bureau of Reclamation's 2015 water year.
McNerney (CA)	#8	Prevents several provisions of the Act from taking effect until it is determined that it will not harm water quality or water availability for agricultural producers in California's Delta region (Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties).
Napolitano (CA)	#14	Removes the subsidy to agricultural loans and require that interest be repaid on the capital costs of a project. Currently, agriculture has 40 years to repay capital cost, interest free. Other constituencies, such as municipal entities, are required by law to pay interest.
Peters, Scott (CA)	#9	Stipulates that the bill cannot go into effect until the Secretary confirms that the act does not adversely affect any community's water supply or water budget.
Speier (CA)	#16	LATE Adds findings to the bill that climate change is a reality, humans are a primary cause, and that increasingly intense draughts may be a consequence of climate change.

Thompson, Mike #4 Replaces provisions which override state law with a
(CA) provision upholding state law and requiring use of the best
 available science.

Nathan Blake

Professional Staff
House Committee on Rules
(202) 225-9191

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**Summary of Amendments Submitted to the Rules Committee for
H.R. 3964 - Sacramento-San Joaquin Valley Emergency Water Delivery Act**

(summaries derived from information provided by sponsors)

Listed in Alphabetical Order

Feb 4, 2014 10:34AM

Click on sponsor for amendment text.

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Castor (FL)	#1	Delays flood insurance premium changes until completion of affordability study
Costa (CA)	#2	Creates a joint committee of the House and Senate with the purpose of drafting bipartisan, bicameral legislation by the end of 2014 to address the repeated and ongoing drought and water supply shortage conditions in California.
Costa (CA)	#3	Strikes Title II from the bill, restoring the San Joaquin River Restoration Settlement Act as agreed to by the local stakeholders.
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been determined that it will not interfere with the State of California's Delta and water management reform and funding Acts of 2009, including SB7x-1, SB7x-2, SB7x-6, and SB7x-7.

- | | | |
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| Thompson, Mike
(CA) | #4 | Replaces provisions which override state law with a provision upholding state law and requiring use of the best available science. |

From: Jason Peltier

Sent: Wednesday, February 5, 2014 10:18 AM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erica Woodward'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'Julie Minerva'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Richard Costigan'; 'Susan Ramos'; 'Tony Coelho'; T Birmingham (tbirmingham@westlandswater.org); Jason Peltier

Subject: SJ Mercury

California drought: House water bill exposes deep partisan divide

By Josh Richman jrichman@bayareanewsgroup.com San Jose Mercury News

Posted:

MercuryNews.com

The House of Representatives is expected to pass a water bill Wednesday that Republicans call a necessity for drought-stricken California, but which Democrats label a "water grab" and political power play that undermines years of delicate negotiations.

The bill -- which opponents say would give more water to farmers at the expense of the environment -- is probably dead on arrival in the Democrat-controlled Senate, where both of California's senators oppose it. But the bill, which has drawn scathing criticism from Gov. Jerry Brown, highlights a deepening partisan divide over solving the Golden State's water woes now and for decades to come in a way that balances the needs of farmers, environmentalists and average Californians who expect clean water when they turn on the tap.

In introducing the bill last week, Rep. David Valadao, R-Hanford, said his constituents "are suffering from drought conditions severely exacerbated by erroneous federal regulations. Families and farmers alike are not receiving the water they need to meet their basic, everyday needs."

But Rep. Mike Thompson, D-Napa, said Tuesday that "this piece of legislation has nothing to do with water; it has nothing to do with public policy. It has everything to do with politics."

Thompson was referring to the flood of goodwill it could bring Republicans in a few Central Valley swing districts in this year's midterm elections. "It's an opportunity to politically help a couple of members of Congress, and it's a distraction from what we should be doing," he said.

Thompson said he discussed the drought and the GOP bill with President Barack Obama during the House Democratic Caucus' meeting Tuesday at the White House. "With about 10 seconds of explanation, he saw through the charade," he said. "He also pointed out what we all know: He said, 'There's no way that bill becomes law.'"

HR 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act, would let more water be sent southward from federal pumps in the Delta to San Joaquin Valley farms. To do that, it would roll back federal environmental protections, halt restoration of the San Joaquin River's flow and salmon habitat, and pre-empt various state water and endangered-species laws. The bill is co-sponsored by every California House Republican.

House Majority Whip Kevin McCarthy, R-Bakersfield, said at a news conference Tuesday that the Senate must act. "If you don't like the bill we send, then tell us what you do support so we can go to conference and get something done. But stop ignoring a problem."

Sen. Barbara Boxer, D-Calif., retorted later Tuesday that "at a time when we should be bringing people together, House Republicans are pushing another divisive and discredited proposal designed to score political points instead of addressing this unprecedented drought."

A Senate water bill will be introduced this week, said Tom Mentzer, a spokesman for Sen. Dianne Feinstein, D-Calif. Thompson said some House Democrats have been working with Feinstein's staff, "trying to smooth out some of the edges on her bill."

The GOP lawmakers contend San Joaquin Valley farmers have been getting shortchanged for years as pumping has been reduced to protect the endangered Delta smelt, a tiny fish. They say the drought makes it even more important that the policy be changed.

The bill undeniably is political gold for Republicans like Valadao and Jeff Denham, R-Modesto, whose valley districts are considered to be in play in this year's midterm elections. Though they might have lost some ground with voters over last October's GOP-led government shutdown and House Republicans' resistance to comprehensive changes to immigration laws, advancing agriculture's water interests during this crisis has no political downside for them. Speaker John Boehner, R-Ohio, certainly knew that when he visited Bakersfield late last month to stand with Valadao, McCarthy and others as they rolled out the bill.

But Michael Hanemann, a UC Berkeley professor of agricultural and resource economics, said Tuesday that insufficient Delta pumping isn't the problem: It's the lack of rain and snowpack that feeds the Delta to start with.

"You could kill every fish in the Delta and you'd still have a real problem, so it's not as if this bill is well-targeted at solving our problems -- this is an act of opportunism," he said, adding that California has struggled for decades to balance the needs of agriculture, recreation and environmental protection. "If the Republicans want to ask if we've made that balance the right way, that's a fair question to debate, but it's really separate from the drought."

From: Bernhardt, David L.

Sent: Wednesday, February 5, 2014 11:40 AM

To: Thomas W. Birmingham (tbirmingham@westlandswater.org); Jason Peltier (jpeltier@westlandswater.org); Dennis Cardoza (dcardoza@foley.com); joe.findaro@akerman.com

Subject: FW: From Greenwire -- DROUGHT: Obama threatens to veto House bill offering more water for Calif. farms

Greenwire

THE LEADER IN ENERGY & ENVIRONMENTAL POLICY NEWS



AN E&E PUBLISHING SERVICE

DROUGHT: Obama threatens to veto House bill offering more water for Calif. farms *(Wednesday, February 5, 2014)*

Debra Kahn, E&E reporter

The White House has threatened to veto a bill to give farmers more of California's scant water supplies.

The House is set to vote today on [H.R. 3964](#) by Rep. David Valadao (R-Calif.), which seeks to secure more water for farmers in California's parched Central Valley by reversing environmental protections for fish in the Sacramento-San Joaquin River Delta.

Obama said the bill "would not alleviate the effects of California's current drought and would disrupt decades of work that supports building consensus, solutions and settlements that equitably address some of California's most complex water challenges."

The bill, backed by the state's GOP contingent, would undo a San Joaquin River restoration program that has been the object of a court settlement and intricate compromises between state and federal officials for decades. It would cap the delivery of water for environmental purposes and would lengthen irrigation contracts and lift certain environmental protections in area watersheds, among other controversial provisions.

The bill will be on the floor today with eight Democratic amendments, including ones to protect water quality and supplies for farmers in the delta and to request a disaster declaration for California fisheries ([E&E Daily](#), Feb. 5).

Other California Democrats, including Gov. Jerry Brown and Sen. Dianne Feinstein, have come out against the bill as well ([E&E Daily](#), Feb. 4). It passed the House in a similar form in 2011 but stalled in the Senate.

Obama said he would work with Congress on drought legislation that adheres to existing laws. He singled out reauthorization of several water bills, including the CALFED Bay-Delta Act, Secure Water Act and Reclamation States Emergency Drought Relief Act.

Feinstein plans to introduce drought legislation in the Senate this week, according to her staff.

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From: Bernhardt, David L.
Sent: Thursday, February 6, 2014 5:24 AM
To: Jason Peltier
Subject: Fwd: From E&E Daily -- CALIFORNIA: House passes GOP-backed drought bill

Fyi



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CALIFORNIA: House passes GOP-backed drought bill (Thursday, February 6, 2014)

Debra Kahn, E&E reporter

The House voted yesterday to approve a bill to deal with California's worsening drought by upending environmental restrictions for fish in favor of sending more water to farmers in the Central Valley.

The bill, [H.R. 3964](#), passed 229-191, largely along party lines. Billed as a fix for farmers, businesses and other water users facing shortages as a result of California's record drought, it drew bitter opposition from most of California's Democratic delegation, which derided it as political posturing that would throw a wrench in the state's water policies.

The bill is not expected to advance in the Senate, and President Obama yesterday said he would veto it in its current form ([Greenwire](#), Feb. 5).

The bill is aimed at changing water management decisions in the Sacramento-San Joaquin River Delta, the main hub of the water system that supplies 25 million people and 700,000 acres of farmland. It would undo a San Joaquin River restoration program that has been the object of a court settlement and intricate compromises between state and federal officials for decades. It would cap the delivery of water for environmental purposes, lengthen irrigation contracts and lift certain environmental protections in area watersheds, among other controversial provisions.

Republicans defeated seven of eight amendments submitted by Democrats, including several that would have pared back the bill's effect on state policies. One, by Rep. Jared Huffman (D-Calif.), would have prevented the bill from taking effect if it interfered with California's Delta Reform Act of 2009, which enshrined ecosystem restoration alongside water supply reliability as the main priorities for management of the delta.

One amendment, by Rep. Peter DeFazio (D-Ore.), passed. It would submit Gov. Jerry Brown's (D) drought emergency declaration of Jan. 17 to the Commerce Department to make the case for a fishery disaster declaration in California.

California's senators, Democrats Dianne Feinstein and Barbara Boxer, issued a statement yesterday saying they would introduce a bill soon that would "minimize controversy."

"While House Republicans are pursuing divisive and discredited policies, we will be proposing solutions that will help bring relief to the communities hardest hit by this unprecedented drought," Boxer said.

"I can understand people not liking this solution," said Rep. Doc Hastings (R-Wash.). "But somebody has to give us something to negotiate with."

During the debate, lawmakers touched on long-standing political fault lines that separate California's regions based on geography and water infrastructure.

The delta smelt, an endangered fish that inhabits the delta, served as a punching bag for the GOP. When the smelt is near pumping plants in the delta that send water south, the government has to curtail its pumping to farms and cities in order to protect it under the Endangered Species Act.

Co-sponsor Rep. Devin Nunes (R-Calif.), who sponsored a similar bill in 2011 that passed the House and died in the Senate, also criticized San Francisco and other coastal cities for benefiting from complex water infrastructure while inland regions' supplies are cut to protect the "stupid little fish."

"Los Angeles, Hollywood, San Francisco: It's a desert," he said. "They don't have water. They make our people that live in the San Joaquin Valley live by rules that they don't want to live by."

"You'd have to have the brain of a 3-inch fish to believe that narrative," Huffman said. "Some people are cynically trying to capitalize on the worst drought in California history in order to steal water."

Seven Democrats voted for the bill, including Rep. Jim Costa (D-Calif.), who had tried to amend it to uphold the San Joaquin River restoration program. Two Republicans voted against it: Reps. Justin Amash of Michigan and Thomas Massie of Kentucky.

Meanwhile, federal wildlife officials said yesterday that they would begin monitoring the smelt's condition on the San Joaquin River to make sure it isn't venturing near the pumps that send water south. The Fish and Wildlife Service will perform four surveys over the next two weeks, and more if it starts raining, which would move the fish closer to the pumps.

The surveys "should provide the Service and the water managers opportunities to implement strategies that will reduce the risk to delta smelt while providing opportunities to meet water export goals," FWS said.

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From: Jason Peltier

Sent: Tuesday, February 11, 2014 9:40 AM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'Tony Coelho'; 'T Birmingham' (tbirmingham@westlandswater.org); 'Dennis Cardoza'

Subject: POTUS Fresno

In Fresno, Obama will learn that California water issues are tough to unravel

By Mark Grossi

The Fresno Bee February 10, 2014 Updated 1 hour ago

When President Barack Obama visits Fresno on Friday to talk about the historic dry year in California, what should he know?

Farms, fish, cities, mountains, industries, rivers and even air quality have suffered, say many touched by state water problems. Recent storms have taken the edge off, but the intense dry year still is cutting a wide swath of damage in many ways.

"If nothing else, the president needs to have a clear view of this disaster -- it's not just the Central Valley getting hurt," said farmer Mark Borba, who buys federal water from Westlands Water District in west Fresno County.

Obama is expected to talk about the federal government's role in coping with the drought. Many water experts say they expect Obama to offer some kind of financial aid and cooperation of federal agencies with state and local authorities.

Gov. Jerry Brown last month announced a statewide drought emergency, and state leaders say they will carefully divide California's dwindling supply among all the needs here.

"There is nothing simple about water in California," said John Laird, California Natural Resources secretary. "It is of profound importance to our natural heritage and nearly \$2 trillion economy."

Federal agencies are intertwined with California water delivery and protection of wildlife species and habitat. Delivery of water and protection of nature are laced with issues as water is sent from the water-rich north to Southern California population centers and farming in Central California.

The federal Central Valley Project is California's largest waterworks -- reservoirs, pumping plants and canals stretching hundreds of miles from Redding to Bakersfield. It belongs to the U.S. Bureau of Reclamation.

Delta advocates plan bus transport

Delta advocates plan to travel to Fresno on Friday, where President Barack Obama is expected to visit ground zero of California's drought. Restore the Delta is providing a bus to transport its supporters from Stockton to Fresno and to share its message there.

While details about Obama's visit have not yet been released, Restore the Delta is asking those who want to participate to show up at 5 a.m. Friday at the parking lot of the A.G. Spanos Cos. building in Stockton. The bus will leave at 5:15 a.m.

The CVP and the State Water Project form a vast plumbing system to move billions of gallons of water from the north to irrigate 3 million acres of farmland, mostly in the San Joaquin Valley. About 27 million residents in Southern California and coastal regions also depend on water pumped through the delta.

Northern California water for the federal and state projects passes through the troubled Sacramento-San Joaquin River Delta, where the state's two longest rivers meet and empty into the Pacific Ocean.

The delta is home to several dying fish species, such as the delta smelt and salmon, which are protected under the federal Endangered Species Act. Two other federal agencies, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, are involved in the protections.

Water pumping curtailments to protect fish have long been a bone of contention among Valley farmers. It is one of many issues that have turned the delta into a political battleground.

This year, Kern County farmers already have heard they will get a zero allocation from the State Water Project. Federal farm customers in Merced, Madera, Fresno, Tulare, Kings and Kern counties expect the same later this month.

Farmers complain that fish protections a little more than a year ago at the delta prevented more water storage that would have helped this year.

But nature is suffering too, says Bill Jennings, executive director of the California Sportfishing Protection Alliance in Stockton.

He said an intense drought should not have been a surprise in California, and leaders should have delivered less water to farm customers during this three-year drought.

"Fish populations crash during droughts," he said. "We need to plan for dry years and bring water demand into line with water supply. We're talking about accepting reality."

Read more here: <http://www.fresnobee.com/2014/02/10/3761603/obama-may-hear-about-broad-drought.html#storylink=cpy>

From: Jason Peltier

Sent: Friday, February 14, 2014 7:04 AM

To: Tom Birmingham; Dan Nelson <Dan.Nelson@sldmwa.org>; Ara Azhderian; Dennis Cardoza; Denny Rehberg; Joe Findaro; David Bernhardt; Ed Manning; Carolyn Jensen (cjensen@ka-pow.com); sramos@westlandswater.org

Subject: Obama comes to California carrying drought aid | Washington Watch | McClatchy DC

<http://www.mcclatchydc.com/2014/02/14/218153/obama-comes-to-california-carrying.html>

From: Jason Peltier

Sent: Friday, February 14, 2014 7:07 AM

To: Tom Birmingham; Dan Nelson <Dan.Nelson@sldmwa.org>; Ara Azhderian; Dennis Cardoza; Denny Rehberg; Joe Findaro; David Bernhardt; Ed Manning; Carolyn Jensen (cjensen@ka-pow.com); sramos@westlandswater.org

Subject: Obama to announce \$180 million in drought relief funds - The Orange County Register

<http://www.ocregister.com/articles/president-601802-drought-vilsack.html>

From: Jason Peltier

Sent: Friday, February 14, 2014 7:41 AM

To: Tom Birmingham; Dan Nelson <Dan.Nelson@sldmwa.org>; Denny Rehberg; Dennis Cardoza; David Bernhardt; Ed Manning; Carolyn Jensen (cjensen@ka-pow.com)

Subject: Obama Pledges Billions for U.S. Drought Relief, Climate Adaptation | Circle of Blue WaterNews

<http://www.circleofblue.org/waternews/2014/world/obama-announces-us-1-2-billion-drought-aid-package-proposes-us-1-billion-climate-resilience-fund/>

From: Bernhardt, David L.

Sent: Monday, February 17, 2014 11:47 AM

To: Jason Peltier; Thomas W. (Tom) Birmingham Esq.; Joseph T. Findaro

Subject: Fwd: From Greenwire -- DROUGHT: Obama cautiously wades into Calif. water wars

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DROUGHT: Obama cautiously wades into Calif. water wars (Monday, February 17, 2014)

Debra Kahn, E&E reporter

President Obama made waves on the climate change and agriculture fronts during his visit to California last week, but he largely steered clear of the state's controversial water politics.

During a speech in the state's arid Central Valley farming region Friday, Obama called for a "new direction" in state water policy, which has generated bitter debate in Congress as lawmakers have sought to turn the state's historic drought to various groups' advantage. He acknowledged and called for an end to the rancor that has pitted agricultural and environmental interests against one another for scarce water resources as the state deals with historic drought.

"Now, water politics in California, traditionally, I know has been pretty easy," he said, to laughter, ahead of a discussion Friday with Democratic politicians, farmers and water contractors in Firebaugh, Calif. "I told the governor I'm not going to wade into this, because I want to get out of here alive on Valentine's Day."

He said his administration would work with a range of local-level stakeholders to find common ground. The comments came ahead of his announcement of a \$1 billion "climate resiliency fund" to be unveiled in next month's budget proposal, as well as more than \$150 million for California farmers in disaster relief, conservation measures and food bank assistance ([Greenwire](#), Feb. 14).

"I hope that Congress considers the legislation that they have crafted soon, work through some of the concerns that have been expressed -- let's make sure that we're getting some short-term relief to folks, but also long-term

certainty for people who are going to be harmed by this drought," Obama said in reference to Senate legislation introduced last week.

A GOP-sponsored bill passed by the House earlier this month, [H.R. 3964](#), sought to wring any extra droplets from California's Sacramento-San Joaquin Delta by overturning environmental protections for fish in the Sacramento and San Joaquin rivers and giving more water to agencies that have contracts with the federal Central Valley Project ([E&E Daily](#), Feb. 6).

Obama -- who issued a veto threat against the House bill Feb. 5 -- urged Congress instead to consider a bill from Sens. Dianne Feinstein (D-Calif.), Barbara Boxer (D-Calif.), Jeff Merkley (D-Ore.) and Ron Wyden (D-Ore.), introduced last week to counter the House measure. [S. 2016](#) includes \$300 million in emergency funding for conservation projects, building wells, maintaining and establishing cover and permanent crops, water exchanges, and other activities.

While on a tour of an asparagus, almond and melon farm in the San Joaquin Valley, Obama said the Senate bill "includes similar ideas" as his own prescriptions, which include up to \$150 million in fast-tracked funding from the farm bill for California ranchers and a direction for the Interior Department to help water contractors meet their delivery obligations to customers.

House Democrats from Northern California and environmental groups have objected to several provisions in Feinstein's bill, including one that would mandate a particular ratio of water transfers in the San Joaquin River during the period that salmon and steelhead migrate to the ocean. The conditions would be too restrictive for salmon if drought conditions change for the better, they said.

House Majority Whip Kevin McCarthy (R-Calif.), a co-sponsor of the House bill, issued a statement Friday saying the House was willing to work with Feinstein's bill, singling out the San Joaquin River flow provision and several others that would increase water deliveries.

"In the spirit of Californians working together to bring solutions to the president's desk, I believe that there are components of the Senate bill that can be further discussed and explored," McCarthy said. "I look forward to coming together to find areas of common ground and commonsense to finally achieve a solution that our state is so desperately in need of. It remains to be seen if our Senate colleagues are willing to cross the aisle and acknowledge that a their-way-or-the-highway position is not feasible."

Obama called for the state as a whole to revamp its approach to water use.

"I think there's a tendency, historically, to think of water as a zero-sum game, that either the agricultural interests are getting it or urban areas are getting it, north, south," Obama said ahead of the discussion, which largely focused on the drought's effects on the agriculture industry and the state as a whole.

"Given what we anticipate to be a significant reduction in the overall amount of water, we're going to have to figure out how to play a different game. And if the politics are structured in just such a way where everybody is fighting each other and trying to get as much as they can, my suspicion is, is that we're going to not make much progress."

An environmentalist who was at the discussion praised Obama's focus on statewide cooperation.

"I was encouraged to hear President Obama and Gov. [Jerry] Brown recognize the importance of working within existing laws, calling on everyone to give a little, by using the water we have more wisely and helping out those who are suffering the most, like farm workers and communities without clean drinking water," said Annie Notthoff, California advocacy director for the Natural Resources Defense Council.

Obama expanded on his theme later in the day. "What we have to do is all come together and figure out how we all are going to make sure that agricultural needs, urban needs, industrial needs, environmental and conservation concerns are all addressed," he said at the farm tour. "And that's going to be a big project, but it's one that I'm confident we can do."

An observer said Obama's visit largely maintained the status quo in California water politics. "From my perspective, nothing the president said here would leave anyone to believe he is stepping in to take sides," said Patricia Schifferle, director of a consulting firm, Pacific Advocates, that works for fishing and environmental groups.

"The president is announcing money and not major policy changes designed to benefit a few wealthy farmers to grab more water. Helping out these farmers and cattle ranchers during this rough patch is great. Hopefully, the president will also recognize the salmon and steelhead will be going through the same drought, and the environment could use some money, too."

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From: Bernhardt, David L.
Sent: Friday, February 21, 2014 7:01 AM
To: Jason Peltier (jpeltier@westlandswater.org)
Subject: For your group list

EDITORIAL: A fishy drought in California, made worse by a smelt
A lowly minnow starts a water war in the San Joaquin Valley

By THE WASHINGTON TIMES

Thursday, February 20, 2014

President Obama's traveling golfing circus and global-warming revival played California's San Joaquin Valley last week, where he used the worst drought in decades as a backdrop to shill for his magic elixir guaranteed to cure warts, relieve irregularity, conjure water and expand government spending.

He correctly blames man for the drought, but it's not the men in pickup trucks or astride John Deere tractors.

The San Joaquin Valley was one of the most fertile agricultural regions in the world until environmentalists created a dust bowl to save a three-inch fish called the Delta smelt.

This little fish, not much bigger than a minnow, suddenly became useful when radical leftists realized they could cut off the water for nearly 25 million people and millions of acres of fertile farmland in the interests of expanding federal control of the environment.

From his courtroom in Fresno, U.S. District Judge Oliver Wanger declared saving the fish more important than feeding humans and, citing the Endangered Species Act, in 2007 ordered the pumps watering the valley from the Sacramento River turned off, lest the Delta smelt be disturbed.

Choosing between saving a minnow and watering the nation's food basket was an easy call. Instead of irrigating crops of fruit, fabric, vegetables and grain, the water from the river was diverted from the farms to the Pacific Ocean.

Families, farmers and some elected officials in the Valley have pleaded with the government to turn the spigots on again. The Valley continues to shed jobs as farms dry up. The environment suffers as the parched earth invites wildfires. Rather than working to get water to flow into the Valley again, the president offered thirsty Californians only a bailout of \$160 million in federal aid. He blames global warming, of course, and his allies in Congress, like Little Sir Echo, dutifully repeat his message.

House Democrats on Tuesday badgered the Commerce Committee chairman to hold hearings on the issue. "The committee needs to understand the connection between climate change and drought in California and the Western United States," they said, "as well as the effects of severe droughts." There was no mention of the fishy nature of the water shortage.

The Republicans countered with their own water-relief bill, which includes a provision allowing more water to be pumped out of the Sacramento-San Joaquin Delta.

Certain mini-fish protections would be eliminated. Mr. Obama, golfing at a well-watered resort in the desert, stepped away from the beautifully manicured greens to say that he would veto the Republican relief bill.

Forty years on, the Endangered Species Act continues to inflict economic and ecological disaster. The law is a tool for liberals to turn back the clock, trying to undo the progress wrought by the Industrial Revolution. Enough is enough. The only thing more absurd than creating a disaster over a fish is blaming the drought on Americans who only want to water their crops. The president's global warming tour is an economic disaster for Americans. The people are better off when he sticks to putting greens and his mulligans.

Read more: <http://www.washingtontimes.com/news/2014/feb/20/editorial-a-fishy-drought-in-california/#l-http%253A%252F%252Fwww.washingtontimes.com%252Fnews%252F2014%252Ffeb%252F20%252Feditorial-a-fishy-drought-in-california%252F%2F1817315299%2F1#ixzz2txtGDdVV>
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Subject: LA Times, Skelton, per Dennis's comment

Water war boils down to farmers vs. fishermen

Even when there's not a drought, there isn't enough to go around. And the collapse of a great estuary will endanger far more than the smelt.

By George Skelton Capitol Journal

February 19, 2014, 4:42 p.m.

SACRAMENTO—Don't blame the little fish. And don't call it the Central Valley.

Both comments, repeated incessantly, were irritants during President Obama's visit to parched California farm country last week.

The president was there—in the *San Joaquin* Valley—to cuddle with water hogs.

The hogs are large growers who use lots of water, have just about run out and are angry because they're being denied other people's. And they keep complaining that the government is favoring a little "bait fish" over farmers.

Yes, regulators have been holding back some delta water in recent years to save the smelt, a finger-sized fish that is used not as bait but as a canary.

That is, the smelt is viewed by biologists as a canary in a coal mine, an indicator of ill health for the Sacramento-San Joaquin River Delta, a source of drinking water for 24 million people and irrigation for 3 million acres.

So goes the smelt, so goes the delta, the largest estuary on the West Coast of America, north or south. The smelt's decline signals, among other things, increased pollution, salinity and devastation caused by giant fish-chomping pumps.

The hogs and water buffaloes—so named because, like the beast, they reputedly can smell water from hundreds of miles away—like to demonize the smelt because it's an unimpressive, dumb-sounding fish. You don't hear them talking much, however, about king salmon, also called Chinook. Everyone admires salmon.

Chuck Bonham, director of the California Department of Fish and Wildlife, calls salmon one of the "cornerstones of what makes California great—whether you like them on your dinner plate, fish for them on the waterways or make a living off them in a north coastal community. They're iconic."

But California has been seriously screwing with salmon over the decades as it captured water to irrigate cotton, pistachios, pasture and all manner of crops grown basically in a desert.

Salmon runs have declined steeply from their historic levels because of dams that blocked access to ancestral spawning streams and, more recently, due to polluted runoff into rivers from fertilized fields and urban waste. And there are those killer delta pumps that not only eat fish but reverse San Joaquin River flows, fatally confusing young salmon.

So water deliveries have been restricted not just for smelt, but also to protect salmon and the coastal fishing industry. It's not about farmers vs. fish. It's about farmers vs. fishermen. Or almonds vs. salmon.

It's an ongoing battle. In 1980, there were 5,700 licensed salmon fishing vessels on the California coast, says Zeke Grader, director of the Pacific Coast Federation of Fishermen's Assns. Today, he reports, there are only around 1,000, and only half are active.

Roughly 90% of California's salmon are products of the delta and its tributaries, Grader says. So are 50% of Oregon's salmon. The biggest producer, by far, is the Sacramento River system.

But the fish need large flows of fresh water to push them out to sea, where they grow for three or four years before returning through the Golden Gate to spawn in the river systems.

But to listen to the hogs, that's fresh water wasted out to sea. Never mind that it's necessary for the preservation of fish—including sturgeon and striped bass—and to irrigate a valuable delta agriculture economy (pears, asparagus, corn, tomatoes, berries).

"We're watching the biological collapse of a great estuary," says Bill Jennings, director of the California Sportfishing Protection Alliance.

"Fish that nature nurtured over a millennium are being destroyed. The delta is in a meltdown because the estuary has been deprived of half its historical flow."

That brings me to my second point: The delta is the Central Valley, too. The Central Valley stretches 450 miles from Redding to Bakersfield, and includes two valleys: the Sacramento and the San Joaquin. The delta drains the two main rivers—the Sacramento and San Joaquin (what remains of it)—and their many tributaries.

The drought aside, most of the Central Valley is in relatively good shape—as is Southern California, which has conserved, recycled and invested for the future.

The Central Valley is in a water civil war, south vs. north. It's the San Joaquin Valley that is desperate and needs hand-holding by the president as it tries to siphon off more delta water.

San Joaquin farmers will rightly point out that they've contracted for government water that they're not receiving. And it's unfair. But the dirty secret is Californians have legal rights to more than five times the water that exists in average years, even when nature is producing precipitation normally.

Gov. Earl Warren warned about this more than 60 years ago, and nobody did anything.

"The state has over-promised and over-allocated," Jennings says.

A little history here: Gov. Pat Brown, when he built the State Water Project, figured on tapping into the Eel River on the north coast. That would have added significantly more water. But Gov. Ronald Reagan quashed that idea for environmental reasons. Yes, Mr. Conservative.

Wildlife director Bonham's take on the farmers vs. fishermen fight is this: "When people start screaming at each other, it takes all our energy away. And we need all the brainpower we can muster to solve this."

Gov. Jerry Brown probably had the smartest observation last week: "When God doesn't provide the water, it's not here."

It's not the tiny fish's fault.

From: Bernhardt, David L.

Sent: Friday, February 21, 2014 2:03 PM

To: Jason Peltier (jpeltier@westlandswater.org)

Subject: FW: From E&ENews PM -- DROUGHT: Reclamation closes spigot for farmers in parched Calif.

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From: rsmith@bhfs.com by E&E Publishing [mailto:email_this@eenews.net]

Sent: Friday, February 21, 2014 3:56 PM

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DROUGHT: Reclamation closes spigot for farmers in parched Calif. *(Friday, February 21, 2014)*

Debra Kahn, E&E reporter

The Obama administration said today it was zeroing out water deliveries this year for some California farmers whose irrigation supplies come from the Sacramento-San Joaquin River Delta.

Facing a prolonged and withering drought, farmers both north and south of the delta will receive no water from the Central Valley Project, and municipal and industrial customers will receive 50 percent of their normal supplies, the Department of Reclamation said.

"This low allocation is yet another indicator of the impacts the severe drought is having on California communities, agriculture, businesses, power, and the environment," Reclamation Commissioner Michael Connor said in a statement. "We will monitor the hydrology as the water year progresses and continue to look for opportunities to exercise operational flexibility in future allocations."

Today's announcement follows historic cuts to water allocations for senior contractors. Reclamation notified contractors on the Sacramento and San Joaquin rivers last weekend that they should expect 40 percent of their regular deliveries this year, the first time that deliveries fell below 75 percent, the minimum guaranteed in their contracts with the federal government ([Greenwire](#), Feb. 19).

Water districts, which had been anticipating a zero allocation, said the latest announcement was also record-breaking.

"This is historic as well," said Ron Jacobsma, general manager of the Friant Water Authority, which is receiving no water for more than 1 million acres of farmland on the east side of the San Joaquin Valley.

In the last record-breaking dry year, 1977, Friant received 200,000 acre-feet of water out of its normal 1.2 million acre-feet, he said.

Reclamation gave some farmers an initial allocation of zero back in 2009 but eventually increased it, said one water contractor. They "ended up with 10 percent but had much better storage and snowpack conditions," said Jason Peltier, deputy general manager of Westlands Water District, which supplies irrigation water to about 600,000 acres of farmland in the San Joaquin Valley.

Water districts also intensified their calls for federal intervention. President Obama last week visited the parched Central Valley, where he announced up to \$150 million in fast-tracked livestock disaster assistance for California farmers and additional funding for conservation, food banks and drinking water supplies ([Greenwire](#), Feb. 14).

A bill from Rep. David Valadao (R-Calif.) that passed the House earlier this month would reverse environmental restrictions for fish and send more water to farmers in the Central Valley. Another measure introduced last week by Sen. Dianne Feinstein (D-Calif.) would provide funding for conservation, crop protection, water exchanges and other tools, as well as direct federal agencies to maximize water deliveries under current state and federal environmental laws protecting fish in the Sacramento-San Joaquin Delta ([E&E Daily](#), Feb. 12).

"Westlands appreciates the emergency aid provided during this crisis, but until Congress acts to restore some balance between the use of water for the environment and the use of water for people, farmers and communities will remain in a crisis for the foreseeable future," said Tom Birmingham, general manager of Westlands Water District. "Even more alarming is that the zero allocation announced today will affect decisions about planting crops for this year and fallowing land in the future. These decisions will have consequences that reach beyond the farmers and workers in the Central Valley region."

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To: Gayle Holman

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"Westlands appreciates the emergency aid provided during this crisis, but until Congress acts to restore some balance between the use of water for the environment and the use of water for people, farmers and communities will remain in a crisis for the foreseeable future," said Tom Birmingham, general manager of Westlands Water District. "Even more alarming is that the zero allocation announced today will affect decisions about planting crops for this year and fallowing land in the future. These decisions will have consequences that reach beyond the farmers and workers in the Central Valley region."

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From: Jason Peltier

Sent: Wednesday, February 26, 2014 11:11 AM

To: 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Fowler West'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'Tony Coelho'; 'Vin Weber'

Subject: FW: NRDC opinion survey on drought [Obegie certainly cherry picked this at yesterday's hearing]

From: Jason Peltier [mailto:jpeltier@westlandswater.org]

Sent: Wednesday, February 26, 2014 10:10 AM

To: 'Ara Azhderian'; 'Jason Peltier'; 'Byron Buck'; 'Craig Manson'; 'Dan Nelson'; 'Daniel O'Hanlon'; 'David K Fullerton'; 'Frances Brewster'; 'Frances Mizuno'; 'Hutton,Paul H'; 'Joan Maher'; 'Jon Rubin'; 'Jose Gutierrez'; 'Karen Clark'; 'Roger Patterson'; 'Sheila Greene'; 'T Birmingham'; 'Tom Boardman'; 'Valerie Connor'; 'Stefanie Morris'; ameli@m@kcwa.com; 'Curtis Creel'; 'Brent Walthall'; 'Stefanie Morris'

Subject: NRDC opinion survey on drought [Obegie certainly cherry picked this at yesterday's hearing]



Memo from pollster: http://docs.nrdc.org/water/files/wat_14022501a.pdf

New Poll: Nearly 75% Of California Voters Choose Improving Local Water Supplies As Top Solution To Drought

Vast Majority of California Voters Rank Drought as Most Critical Issue Facing the State and Want Action Now

California voters are more concerned about the drought than any other major issue and an overwhelming majority favor strategies to stretch local water supplies, including recycling, rainwater harvesting and efficiency measures, as the top solution to California's water woes, according to a new poll conducted by Fairbank, Maslin, Maullin, Metz & Associates (FM3) on behalf of the Natural Resources Defense Council (NRDC).

"Californians are united in their desire for concrete long-term solutions to our water needs," said Ann Notthoff, NRDC California Advocacy Director. "It's time to embrace and implement water-smart strategies that ensure we make the most of every drop."

By a margin of 74 percent to 17 percent, Californians think the best way to deal with the drought is to develop local supplies of water rather than expand water imports. Furthermore, 77 percent of voters would be willing to pay more on their water bill in order to increase sustainable local water supplies.

Californians overwhelmingly agree that the crisis is urgent and all water users need to play a part:

- 92 percent agree that "California is currently in the middle of severe drought."
- 92 percent agree that "all Californians – including farmers – need to do their part to conserve water now."

- 82 percent agree that “California’s water supply problems are so severe that we need to make investments now to deal with them.”

“The public is ready to support workable measures to tap sustainable local water supplies and use all water more efficiently,” said Steve Fleischli, NRDC Water Program Director. “The current drought is but a preview of conditions that will become increasingly common with a changing climate. Californians expect action and view local supplies and greater water efficiency as the top priorities.”

The poll also found that a very strong majority of Californians support – and are willing to pay for – a range of local water resiliency efforts:

- 74 percent say cleaning up locally contaminated groundwater is a very important water supply solution and 71 percent would pay more on their water bill for it.
- 71 percent say investing in new water efficiency technologies is a very important water supply solution and 75 percent would pay more on their water bill for it.
- 69 percent say capturing rainwater for local use is a very important water supply solution and 74 percent would pay more on their water bill for it.
- 64 percent say building local water recycling plants is a very important water supply solution and 74 percent would pay more on their water bill for it.

Additionally, California voters were polled on the potential scenarios for the Bay Delta Conservation Plan and 85 percent of voters preferred diversified approaches that include water efficiency, conservation and water recycling efforts. Only ten percent favor a tunnel-only approach.

FM3 conducted the survey from February 1-9, 2014. It included 1,000 telephone interviews with California voters likely to cast ballots in November 2014. The margin of sampling error for the full sample is +/- 3.1%.

FM3’s memo on drought findings can found here: http://docs.nrdc.org/water/wat_14022501.asp

About The Natural Resources Defense Council (NRDC)

The Natural Resources Defense Council (NRDC) is an international nonprofit environmental organization with more than 1.4 million members and online activists. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, Bozeman, MT, and Beijing. For more information, visit www.nrdc.org

From: Jason Peltier

Sent: Monday, March 3, 2014 12:13 PM

To: T Birmingham (tbirmingham@westlandswater.org); Dan Nelson <Dan.Nelson@sldmwa.org>; Ara.azhderian@sldmwa.org; Dennis Cardoza; Denny Rehberg; Joe Findaro; David Bernhardt; Ed Manning; Carolyn Jensen (cjensen@ka-pow.com); Greg Zlotnick; Sue Ramos; 'James Watson'; Philip Williams

Subject: NRDC Blog on Feinstein Bill

Feinstein Drought Bill: The Right Approach, but the Language Must Reflect the Intent

Print this page



Posted February 12, 2014 in [Living Sustainably](#)

This week, Senators Feinstein and Boxer of California and Wyden and Merkley of Oregon introduced a bill in the U.S. Senate designed “to help California and Oregon farmers, businesses and communities suffering from historic drought conditions.”

NRDC deeply appreciates these Senators recognizing the severity of the drought impacting California and other parts of the West and their recognition that it is lack of rain and snow, and not environmental protections that is causing the drought. We also applaud the [stated goal](#) of seeking to “bring us together to address this crisis, rather than divide us.”

There’s no question that Californians are all facing hardships due to the drought – water strapped communities, farmers, cities, and our natural environment are all suffering – and we need to come together to effectively address it. Advancing \$300 million in emergency drought relief funding, which the new bill proposes to do, would go a long way to help different sectors cope with these challenges and better prepare for future droughts.

NRDC is also pleased that the [intent of this bill](#) is to respect and comply with federal and state laws – unlike its destructive House counterpart, H.R. 3964, introduced last week. **However, there are at least two provisions of the current draft that do not live up to this intent, and threaten to override existing laws and requirements protecting the health of the San Francisco Bay-Delta.** We encourage the authors to clarify those provisions to ensure that the bill text is consistent with that intent before moving the bill forward. We deserve a bill that meets the needs of both Northern and Southern California and both farmers and fishermen.

Protections for native fish in the Bay-Delta estuary protect thousands of fishing jobs and communities in California, as well as protecting water quality for delta farmers. That is why these fishing and farming communities support protections for salmon and other endangered fish. Two provisions in the bill appear to be inconsistent with existing safeguards for endangered salmon and steelhead – and the fishing jobs that depend on healthy salmon runs. These provisions are also unnecessary, as the existing protections for salmon and other native fish in the Bay-Delta are already substantially weaker in dry years, and include specific provisions to deal with droughts and multiple dry years.

For example, there's a provision of the bill (section 103(b)(4)) that would lock in a particular ratio of how much of the San Joaquin River's flow can be diverted by massive pumps in April and May, when salmon and steelhead are migrating down the river to the ocean. In a critical dry year like this one, the existing protections allow the massive pumps to divert all of the water flowing down the San Joaquin River (a 1:1 ratio of inflow to exports). However, the ratio increases to better protect migrating salmon from being pulled into the pumps as hydrology improves; for example, the ratio is 2:1 in a "dry" year as opposed to a "critically dry" year. If there's one fact that we can count on in this drought, it is that the weather will change at some point.

Just this past weekend, we received heavy rains as a result of the "Pineapple Express" moving through the system, causing the State Water Board to quickly modify an urgency drought order that it had issued a week earlier. We cannot predict what conditions will be like in April and May, which is why we need to have the flexibility provided in existing law for salmon protections to vary to reflect what's happening in real time, on the ground.

By locking in the lowest ratio for transfers and exchanges, the bill risks exposing threatened and endangered salmon to unacceptably high impacts at the pumps, or shifting the burden of complying with those protections away from wealthier water users who can afford to buy more expensive water on the market this year, at the expense of everyone else, who will have to pump less to compensate for the higher level of pumping afforded transfers and exchanges.

The bill's language could also limit use of some of the drought exceptions in the existing biological opinions, which set minimum pumping levels for health and safety purposes, even if that exceeds the 1:1 ratio in a critically dry year. This provision can be easily fixed by allowing the ratio to change if the rains and snow come, and we're all in a little better position to weather the drought.

Another provision (section 103(b)(3)(B)) of the bill directs the extent to which tributaries of the San Joaquin River that feed the Delta can flow backwards due to the enormous influence of the federal and state pumps that export water south. Those pumps redirect the flow of the Delta and pull millions of salmon and other fish to their death each year. By mandating that those Old and Middle River flows be managed a specific way, the bill could exclude protections for a whole host of native fish from impacts of the pumps; protections that are required under a biological opinion for threatened and endangered salmon, steelhead and sturgeon. It could also be read by some to exempt the federal pumps from complying with those state and federal protections, and shifting compliance to the state pumps alone. In that situation, this exemption would benefit recipients of the Central Valley Project water (mostly agricultural users) at the expense of State Water Project users (mostly cities and towns). This provision should be clarified to state that the federal agencies should comply with all Old and Middle River flow requirements, including those that protect our native salmon.

Other provisions of the bill could adversely affect California's wildlife refuges, which millions of ducks and other waterfowl depend on. Widespread drought conditions are likely to have devastating impacts on California's waterfowl and fisheries, as well as farmers, cities, and rural communities, and we need to take care not to exacerbate the effects of the drought on our native wildlife, and the communities and jobs that depend on them.

As California's Natural Resources Secretary [John Laird said earlier this week](#), we need "common sense solutions to our drought crisis that don't pit Californians against each other." With a few changes, we hope that the Senate bill can help get us there.

From: Jason Peltier

Sent: Wednesday, March 5, 2014 1:48 PM

To: Dennis Cardoza; David Bernhardt; Denny Rehberg; Joe Findaro; Cathrine Karen; Ed Manning; Carolyn Jensen; Michael Burns; Mike Wade

Subject: Feinstein Boxer Costa Garamendi to SWRCB 030514 FINAL.pdf

Attachments: Feinstein Boxer Costa Garamendi to SWRCB 030514 FINAL.pdf

Attached

Congress of the United States
Washington, DC 20510

March 5, 2014

Tom Howard
Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Mr. Howard,

We urge you to defer issuing the State Water Resources Control Board's extraordinarily far-reaching proposed order prioritizing water deliveries throughout the State until at least March 21 to make sure it is correctly calibrated to minimize the potentially devastating effects on many Californians. We appreciate the efforts of coordination that are underway between federal, state, and local stakeholders, and are encouraged by the outreach on the proposal that will occur this week. Nevertheless, we believe that additional time is needed to allow all affected parties ample opportunity to fully understand your proposal, and to work with your staff to develop alternatives that account for the recent rainfall, maintain fully defined public health and safety goals, and avoid catastrophic reductions of water deliveries to California agriculture.

It is our understanding that the State Water Resources Control Board ("the Board") plans to issue a decision as soon as next week that could cut back all Delta water pumping for agriculture and refuges, except possibly during periods of high outflow, in order to achieve enough carryover storage at the end of this September to protect public health and safety should extreme dry hydrology continue into 2015.

We are aware that the Board faces difficult decisions in balancing all beneficial uses of water. However, we are very concerned that if the current proposal as reported to us is enacted, it will have significant near- and long-term effects on the California economy and, more importantly, will not achieve the desired water supply security intended by the proposal.

Before the Board makes such a momentous decision, we believe it is crucial to have enough time to gather more data and input. We understand that recent rains are expected to lead to significant outflows at the Delta over the next two weeks, which means the Board's proposal would not take effect during that period regardless. We now have a window of opportunity for all affected parties to work with the State Board to assess viable options.

We hope that federal, state, and local entities working together can develop options that would be respectful of the Board's goals, but also allow flexibility in fulfilling water contracts and mitigating the effects of a severe cutback in water deliveries. Providing more time would also allow stakeholders to assess the effects of the current rainstorms, and provide the Board with the best available information on which to base complex water delivery decisions that could affect large parts of California, especially those regions that are integral to our nation's agricultural economy.

We acknowledge that the Board is eager to issue a decision so that senior water rights holders do not plant crops with the expectation of receiving a 40 percent CVP water allocation when public health and safety considerations may require a significant cutback. Federal and local stakeholders have informed us that there may be ways to maintain the advance notice that the Board desires, but still leave enough time to fully consider relevant data and options before issuing a decision.

The Board's final decision could have far-reaching effects. The potential of stopping all pumping out of the Delta for agriculture and refuges, except when there are high runoff flows, is of deep concern to water contractors both north and south of the Delta who have been hit by one piece of bad news after another.

These are the same contractors who have received, for the first time ever, an initial allocation of zero from the State Water Project. Many of them also received an initial allocation of zero from the Central Valley Project (CVP). Even those who have senior water rights, and who have never received less than 75 percent of their allocations, are unlikely to receive greater than 40 percent of water deliveries this year.

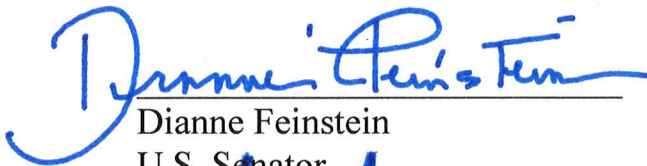
The Board's current proposal could reduce allocations further. For example, the Exchange Contractors estimate that the proposal would leave them with the equivalent of a 10 percent allocation, down from 40 percent, and without any option to make up the difference even with significant groundwater overdrafting.

This final order must be formulated with great care so that its burdens do not unduly fall on those who have already had to give up a great deal. We are deeply troubled by the difficulties that face California agriculture, and do not wish to see the situation worsen.

Again, we sincerely appreciate the dialogue and collaboration you have planned for the coming weeks with various stakeholders. We reiterate our hope that you will defer your decision until at least March 21, so there will be ample time to assess all viable alternatives before the Board issues a final decision.

Thank you for your urgent attention to this very important matter.

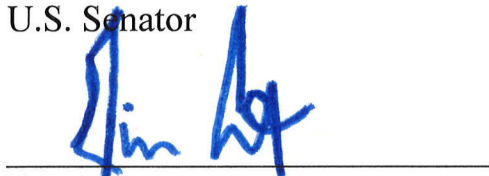
Sincerely,



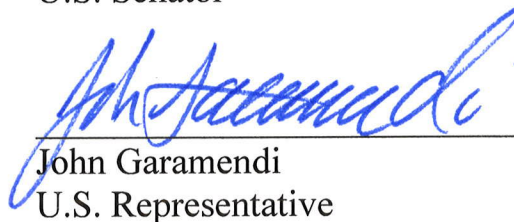
Dianne Feinstein
U.S. Senator



Barbara Boxer
U.S. Senator



Jim Costa
U.S. Representative



John Garamendi
U.S. Representative

DF/fy

Cc:

Governor Edmund G. Brown, Jr.

Karen Ross, Secretary, California Department of Food and Agriculture

Janelle Beland, Undersecretary, California Natural Resources Agency

Gordon Burns, Undersecretary, California Environmental Protection Agency

Felicia Marcus, Chair, State Water Resources Control Board

Dorene D'Adamo, Member, State Water Resources Control Board

Tam M. Doduc, Member, State Water Resources Control Board

Steven Moore, Member, State Water Resources Control Board

Frances Spivy-Weber, Vice Chair, State Water Resources Control Board

From: Gayle Holman
Sent: Thursday, March 6, 2014 3:42 PM
To: dpope@westlandswater.org
Subject: RE: List of Attendees on Friday Morning PR/Legislation Conf. Call
Attachments: PR.Consultants Conf Call Team.docx

Hi Don:

Please discard my earlier email; this contains a fully updated list of participant names and email address (my earlier version was missing one email).

Thank you,

Gayle

Gayle Holman
Public Affairs Representative
Westlands Water District
3130 N. Fresno Street
P.O. Box 6056
Fresno, CA 93703-6056
(559) 241-6233 (direct)
(559) [REDACTED] (cell)
(559) 241-6277 (fax)
gholman@westlandswater.org

Friday morning 7:30 AM PR/Legislative Conference Call

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aelias@mercuryllc.com

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Richard Costigan
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Susan Ramos
sramos@westlandswater.org

Tom Birmingham
tbirmingham@westlandswater.org

Updated: 3/6/14

From: Jason Peltier
Sent: Friday, March 7, 2014 11:20 AM
To: Mark Limbaugh
CC: Dennis Cardoza; Denny Rehberg; David Bernhardt; Joe Findaro
Subject: Our team

Our DC folks: Dennis Cardoza, Denny Rehberg, David Bernhardt, Joe Findaro.

Being in-sync is good!

Begin forwarded message:

From: Jennifer Buckman <jbuckman@friantwater.org>
Date: March 7, 2014 at 10:07:32 AM PST
To: "Ara Azhderian (ara.azhderian@sldmwa.org)" <ara.azhderian@sldmwa.org>, "Chedester, Steve (stevechedester@sjrecwa.net)" <stevechedester@sjrecwa.net>, "Christopher White (cwhite@ccidwater.org)" <cwhite@ccidwater.org>, "'Dan Nelson' (dnelson@sldmwa.org)" <dnelson@sldmwa.org>, Jason Peltier <jpeltier@westlandswater.org>, "Jon D. Rubin (Jon.Rubin@SLDMWA.Org)" <Jon.Rubin@SLDMWA.Org>, "jsutton@tccanal.com" <jsutton@tccanal.com>, "Ronald D. Jacobsma" <rjacobsma@friantwater.org>, "Stephen H. Ottemoeller" <sottemoeller@friantwater.org>, "Thad Bettner (tbettner@gcid.net)" <tbettner@gcid.net>
Cc: "Raeder, Joe (jraeder@tfgnet.com)" <jraeder@tfgnet.com>, Mark Limbaugh <mlimbaugh@tfgnet.com>
Subject: FW: Family Farm Alliance outreach on S. 2016

Below email chain is attached FYI, per our discussion on the call this morning.

Jennifer T. Buckman, Esq.
General Counsel
Friant Water Authority
916.382.4344
916.804.0173 (cell)

From: Yeung, Felix (Feinstein) [mailto:Felix_Yeung@feinstein.senate.gov]
Sent: Thursday, March 06, 2014 5:32 PM
To: Mark Limbaugh; Peterson, James (Feinstein); Watts, John (Feinstein)
Cc: Roger Gwinn; Joe Raeder; Jennifer Buckman
Subject: RE: Family Farm Alliance outreach on S. 2016

Mark,

Thank you very much for this update and for your efforts. We will discuss the joint briefing idea with the rest of our team and let you know.

Thanks again,
Felix

Felix S. Yeung, Esq.
Legislative Assistant
Office of Senator Dianne Feinstein

From: Mark Limbaugh [<mailto:mlimbaugh@tfgnet.com>]
Sent: Thursday, March 06, 2014 5:59 PM
To: Peterson, James (Feinstein); Yeung, Felix (Feinstein); Watts, John (Feinstein)
Cc: Roger Gwinn; Joe Raeder; Jennifer Buckman (jbuckman@friantwater.org)
Subject: Family Farm Alliance outreach on S. 2016

John, James and Felix,

I wanted to give you a brief update on our outreach efforts in gaining Republican support in the Senate for S. 2016. I have contacted Tim Petty (Sen. Risch) and Peter Stegner (Sen. Crapo) and discussed the following points:

- The California drought of 2014 may end up being one of the largest drought disasters in the history of the state. If the dry conditions continue, the economic and social ramifications will be felt across the Nation, as much of our fresh fruit, vegetable, and nut supply is grown in the state. The Family Farm Alliance has many members located in the State of California who will be in jeopardy of losing their entire farms, not just their crops. Literally thousands of acres of permanent crops, such as orange and almond groves, will die due to lack of irrigation water supplies. The huge investments in these trees may never be replaced if financing cannot be found or if growers go out of business.
- While there are many forces that have exacerbated this drought in California, the fact is that extreme dry conditions existed over much of the Western U.S. (especially the Northwest) until just a few weeks ago, when weather patterns changed for some areas of the West (for example, the NW is now back to almost normal snowpack and precipitation). The current disastrous situation could have continued in Idaho (Wyoming/Nebraska) and we would have been in the same serious water deficit as California is now.
- The Feinstein drought bill, S. 2016, while not perfect, does provide some relief to the state (both in increases in flexibility on environmental policy and disaster assistance to farmers) as well as increasing budget caps on federal programs popular across the West (e.g. Bureau of Reclamation WaterSMART programs). Along with USDA disaster relief (that will only be spent if the disaster actually occurs), many of the provisions of the bill will help the entire West in dealing with water shortages, water management challenges, and needed water infrastructure improvements.
- The Family Farm Alliance urges your boss (Senator _____) to work with Sen. Feinstein and her cosponsors of S. 2016 in providing support for this measure to succeed. As our members have told us, the time has come for Congress to put aside partisan issues and focus on providing leadership in assisting our farmers in California (and elsewhere) with these natural disasters that may prove to have significant financial impacts to growers and to the Nation's food supplies for years to come.

We are also reaching out to Sens. Enzi, Barrasso, and Johanns. We will let you know how those discussions go. In the meantime, the feedback I received from Tim in Sen. Risch's office was that the Senator had difficulties with 1) the cost and 2) whether there was significant policy direction that would preclude another water shortage in a future drought. While I said the bill was not perfect, I did say that there are policy provisions in the bill that pertain only to the CA CVP, which is a highly complex federal projects, and that a meeting with Sen. Feinstein's staff might be the best way to discuss these policy provisions as well as any benefits to other Western states. He said he would be happy to bring along Peter Stegner (Crapo), Patrick Lehman (Johanns), and Kris Kiefer (Flake) to a briefing with you on the bill (which I thought was a good approach). Please let us know if you need anything in the meantime, feel free to contact Tim and Peter on your own, or if you have any questions, just let us know. Also, I will let you know what we find out from the other offices once we (i.e. Wyoming/Nebraska residents) make contact.

Thanks,
Mark

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From: Bernhardt, David L.

Sent: Friday, March 7, 2014 5:52 PM

To: Thomas W. (Tom) Birmingham Esq.

Subject: Fwd: MEDIA ADVISORY: Committee to Hold Field Hearing on Immediate and Long-Term Relief for Drought-Impacted San Joaquin Valley

Attachments: image001.jpg; image002.png; image003.png; image004.png; image005.png

Subject: MEDIA ADVISORY: Committee to Hold Field Hearing on Immediate and Long-Term Relief for Drought-Impacted San Joaquin Valley

Begin forwarded message:

From: Natural Resources Press Office

[<naturalresourcesrepublicans@mail.house.gov>](mailto:naturalresourcesrepublicans@mail.house.gov)

Date: March 7, 2014 at 5:20:17 PM EST

To: Natural Resources Press Office

[<naturalresourcesrepublicans@mail.house.gov>](mailto:naturalresourcesrepublicans@mail.house.gov)

Subject: MEDIA ADVISORY: Committee to Hold Field Hearing on Immediate and Long-Term Relief for Drought-Impacted San Joaquin Valley

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FOR IMMEDIATE RELEASE
Friday, March 07, 2014
[PERMALINK](#)

CONTACT: [Press](#)
202-226

*****MEDIA ADVISORY*****

Committee to Hold Field Hearing on Immediate and Long-Term Relief for Drought-Impacted San Joaquin Valley

WASHINGTON, D.C. – The House Natural Resources Committee will hold a field hearing in Fresno, California on Wednesday, March 19th entitled “*California Water Crisis and Its Impacts: The Need for Immediate and Long-Term Solutions.*”

The San Joaquin Valley is once again suffering from drought conditions exacerbated by unworkable federal regulations that put the needs of a 3-inch fish over people. The

House of Representatives passed a bill ([H.R. 3964](#)) to help resolve this situation. That bill, along with another bill ([S. 2016](#)), is now pending in the U.S. Senate. Although Senate action hasn't been announced on either bill, a number of House Members recently stated that they stand ready to [negotiate](#) with the Senate to bring relief to the San Joaquin Valley.

In the interim, this field hearing is designed to focus on the need to resolve differences in order to bring immediate and long-term water supplies to the San Joaquin Valley and other parts of California. This field hearing is also based on the [request](#) of Congressman David Valadao (CA-21) and other requests (see [here](#) and [here](#)).

WHAT: Full Committee oversight field hearing on:

"California Water Crisis and Its Impacts: The Need for Immediate and Long-Term Solutions"

WHEN: Wednesday, March 19, 2014
10:00 AM PDT

WHERE: Fresno City Council Chambers
2600 Fresno Street
Fresno, CA 93721

Visit the [Committee Calendar](#) for additional information, once it is made available. The meeting is open to the public and a live video stream will be broadcast at <http://naturalresources.house.gov/live>.

###

NaturalResources.house.gov



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or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

From: Tom Birmingham
Sent: Friday, March 21, 2014 1:55 PM
To: 'Joseph T. Findaro'
CC: 'Jim Pope'; 'Jane Cirrincione'; 'Cary Padgett'; 'Bernhardt, David L.'
Subject: Meeting with Feinstein

Joe,

Please put in a meeting request for Senator Feinstein on 3/31, 4/1, or the morning of 4/2. The purpose of the meeting will be to discuss the CVPIA restoration fund and the legislative efforts. Jim Pope, the General Manager of the Northern California Power Agency, will also be in attendance to discuss the restoration fund issue. He has been working closely with James Peterson, so they should be aware of the issue. Jim is not available after the morning of April 2.

Thank you,
Tom

From: Tom Birmingham
Sent: Friday, March 28, 2014 10:40 AM
To: joe.findaro@akerman.com; 'Bernhardt, David L.'
CC: 'Jim Pope'
Subject: FW: Meeting with DiFi on Tuesday

Joe and David,

Please add this dinner to the itinerary. Inasmuch as you will be attending the Feinstein meeting, it would be good if you could attend this dinner.

Thank you,
Tom

-----Original Message-----

From: Jim Pope [<mailto:jim.pope@ncpa.com>]
Sent: Friday, March 28, 2014 10:36 AM
To: Birmingham Tom
Cc: Jane Cirrincione
Subject: Meeting with DiFi on Tuesday

We have a reservation for dinner at Oceanaire at 6:30 PM if you would like to join us.
JP

Sent from my iPhone

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From: joe.findaro@akerman.com
Sent: Friday, March 28, 2014 10:42 AM
To: tbirmingham@westlandswater.org; DBernhardt@BHFS.com
CC: jim.pope@ncpa.com
Subject: RE: Meeting with DiFi on Tuesday

I will attend the dinner. Presume the dinner is Monday?

www.akerman.com

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-----Original Message-----

From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]
Sent: Friday, March 28, 2014 1:40 PM
To: Findaro, Joe (OC-DC); 'Bernhardt, David L.'
Cc: 'Jim Pope'
Subject: FW: Meeting with DiFi on Tuesday

Joe and David,

Please add this dinner to the itinerary. Inasmuch as you will be attending the Feinstein meeting, it would be good if you could attend this dinner.

Thank you,
Tom

-----Original Message-----

From: Jim Pope [<mailto:jim.pope@ncpa.com>]
Sent: Friday, March 28, 2014 10:36 AM
To: Birmingham Tom
Cc: Jane Cirrincione
Subject: Meeting with DiFi on Tuesday

We have a reservation for dinner at Oceanaire at 6:30 PM if you would like to join us.
JP

Sent from my iPhone

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applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Bernhardt, David L.
Sent: Friday, March 28, 2014 10:45 AM
To: Tom Birmingham
CC: joe.findaro@akerman.com; Jim Pope
Subject: Re: Meeting with DiFi on Tuesday

Great. Thanks.

David Bernhardt

On Mar 28, 2014, at 1:41 PM, "Tom Birmingham" <tbirmingham@westlandswater.org> wrote:

> Joe and David,
>
> Please add this dinner to the itinerary. Inasmuch as you will be attending the Feinstein meeting, it would be good if you could attend this dinner.
>
> Thank you,
> Tom
>
>
> -----Original Message-----
> From: Jim Pope [<mailto:jim.pope@ncpa.com>]
> Sent: Friday, March 28, 2014 10:36 AM
> To: Birmingham Tom
> Cc: Jane Cirrincione
> Subject: Meeting with DiFi on Tuesday
>
> We have a reservation for dinner at Oceanaire at 6:30 PM if you would like to join us.
> JP
>
> Sent from my iPhone
>
> CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.
>
>

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From: Tom Birmingham
Sent: Monday, March 31, 2014 2:46 PM
To: joe.findaro@akerman.com; David L. Bernhardt
Subject: Fwd: Fight is delayed

If you cannot attend because of the time change, I understand.

Sent from my iPhone

Begin forwarded message:

From: Jim Pope <jim.pope@ncpa.com>
Date: March 31, 2014 at 8:33:39 AM PDT
To: Birmingham Tom <tbirmingham@westlandswater.org>
Subject: **Fight is delayed**

We are moving dinner tonight at Oceanaire to 7:30 PM to accommodate the delays. Let me know if an issue for you.

JP

Sent from my iPhone

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From: Tom Birmingham
Sent: Monday, March 31, 2014 3:24 PM
To: 'Jim Pope'
CC: 'Bernhardt, David L.'; joe.findaro@akerman.com
Subject: RE: Fight is delayed

I will see you at 7:30.

-----Original Message-----

From: Jim Pope [<mailto:jim.pope@ncpa.com>]
Sent: Monday, March 31, 2014 8:34 AM
To: Birmingham Tom
Subject: Fight is delayed

We are moving dinner tonight at Oceanaire to 7:30 PM to accommodate the delays. Let me know if an issue for you.
JP

Sent from my iPhone

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From: Bernhardt, David L.
Sent: Wednesday, April 2, 2014 1:16 PM
To: Tom Birmingham
Subject: Re: Revised drought bill

Thanks

David Bernhardt

On Apr 2, 2014, at 4:15 PM, "Tom Birmingham" <tbirmingham@westlandswater.org> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Watts, John (Feinstein)" <John_Watts@feinstein.senate.gov>
Date: April 2, 2014 at 1:11:06 PM PDT
To: "Tom Birmingham - Westlands Water District (tbirmingham@westlandswater.org)" <tbirmingham@westlandswater.org>, [REDACTED]@ [REDACTED] [REDACTED]
[REDACTED]@ [REDACTED] [REDACTED]
Subject: Revised drought bill

<Summary of Changes Since Bill Introduction NDS 040104.docx>

<alt S 2016 NDS Bill Summary 032514.docx>

<bill 4-1-14.pdf>

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From: Tom Birmingham

Sent: Wednesday, April 2, 2014 1:18 PM

To: David L. Bernhardt; joe.findaro@akerman.com; drehberg@mercuryllc.com

Subject: Fwd: Revised drought bill

Attachments: Summary of Changes Since Bill Introduction NDS 040104.docx; Untitled attachment 28865.htm; alt S 2016 NDS Bill Summary 032514.docx; Untitled attachment 28868.htm; bill 4-1-14.pdf; Untitled attachment 28871.htm

Sent from my iPhone

Begin forwarded message:

From: "Watts, John (Feinstein)" <John_Watts@feinstein.senate.gov>

Date: April 2, 2014 at 1:11:06 PM PDT

To: "Tom Birmingham - Westlands Water District (tbirmingham@westlandswater.org)"

<tbirmingham@westlandswater.org>, [REDACTED]@ [REDACTED] [REDACTED] < [REDACTED]@ [REDACTED] [REDACTED]>

Subject: Revised drought bill

SUMMARY OF CHANGES SINCE BILL INTRODUCTION

- Changed title and description to expand beyond California.
- Removed direct spending.
- Clarified WaterSMART language so that California is not given special treatment or priority.
- Removed financial relief provision for water contractors (direct spending).
- Made other drought states eligible for emergency environmental reviews.
- Made other drought states eligible for new benefits under the Clean Water and Drinking Water State Revolving Funds, such as expedited Buy America waiver reviews, and 40-year refinancing for local agencies.
- Ensured changes to the State Revolving Funds will not affect allocations or requirements for non-drought states.
- Made Hawaii eligible for WaterSMART funding – an option that is already available to a number of non-Reclamation U.S. territories.
- Authorized federal matching funds to purchase water to keep Lake Mead water levels high to avoid triggering water delivery shortage provisions that would reduce deliveries to Lower Colorado River Basin States (California, Nevada, Arizona).
- Clarified termination of authorities so that each eligible state's emergency authorities expire at the end of the state's or USDA's drought declaration.

Emergency Drought Relief Act of 2014 Summary

The Western United States is facing a historic drought. In California alone, 500,000 acres of farmland are being fallowed, more than 100,000 head of cattle could be lost, and 10 or more communities could run out of drinking water within 60 days.

Congress can and should take steps to ensure the best use of the water available and to assist farms, cities, and other communities through this difficult time. *The Emergency Drought Relief Act of 2014* will help drought-stricken Western states in the following ways:

- **Increased Authorizations and Flexibility for Key Water Programs:**
 - Enable a range of water projects to assist drought areas in the West by increasing the authorization caps for the Drought Relief Act of 1991 and the Secure Water Act by \$100 million each.
 - Provide more flexibility for Reclamation to expedite water projects by authorizing the Commissioner to waive WaterSMART cost-share requirements in emergencies and to prioritize projects that are most helpful in a drought.
 - Projects could include water purchases, groundwater wells, conservation projects and technologies, water exchanges, installation of water pumps, and irrigation improvements.
- **State Revolving Funds:** Cut down decision-making and funding time for state revolving fund applicants by expediting Buy America waiver reviews. The bill would also make it easier for local agencies to jump-start water projects by authorizing a longer 40-year financing term.
- **Colorado River Basin System:** Save Lower Colorado River Basin states hundreds of thousands of acre feet of water by authorizing federal matching funds to purchase water to maintain Lake Mead at higher water levels and avoid shortage provisions.
- **Stafford Act:** Enable drought states to request access to three existing programs – disaster unemployment, disaster nutrition, and crisis counseling – within the current funding levels for these programs.
- **California Water:** Make more water supplies available by mandating Federal agencies to operate California's water projects with maximum flexibility.

113TH CONGRESS
2D SESSION

S.

To direct the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies and disaster assistance to the State of California and other Western States due to drought, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. WYDEN, Mr. MERKLEY, Mr. REID, Mr. HELLER, and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To direct the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies and disaster assistance to the State of California and other Western States due to drought, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Drought
5 Relief Act of 2014”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents of this Act are as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—EMERGENCY DROUGHT RELIEF

Sec. 101. Findings.

Sec. 102. Definitions.

Sec. 103. Emergency projects.

Sec. 104. Emergency funding.

Sec. 105. Emergency environmental reviews.

Sec. 106. State revolving funds.

Sec. 107. Drought planning assistance.

Sec. 108. Calfed Bay-Delta Act reauthorization.

Sec. 109. Reclamation States Emergency Drought Relief Act reauthorization.

Sec. 110. Secure Water Act reauthorization.

Sec. 111. Colorado River Basin System water.

Sec. 112. Effect on State laws.

Sec. 113. Klamath Basin water supply.

Sec. 114. Termination of authorities.

TITLE II—FEDERAL DISASTER ASSISTANCE

Sec. 201. Treatment of drought under the Robert T. Stafford Disaster Relief
and Emergency Assistance Act.

3 **TITLE I—EMERGENCY DROUGHT**
4 **RELIEF**

5 **SEC. 101. FINDINGS.**

6 Congress finds that—

7 (1) as established in the Proclamation of a
8 State of Emergency issued by the Governor of the
9 State on January 17, 2014, the State is experi-
10 encing record dry conditions;

11 (2) extremely dry conditions have persisted in
12 the State since 2012, and the current drought condi-
13 tions are likely to persist into the future;

14 (3) the water supplies of the State are at
15 record-low levels, as indicated by a statewide average

1 snowpack of 12 percent of the normal average for
2 winter as of February 1, 2014, and the fact that all
3 major Central Valley Project reservoir levels are
4 below 50 percent of the capacity of the reservoirs as
5 of the date of enactment of this Act;

6 (4) the 2013-2014 drought constitutes a serious
7 emergency posing immediate and severe risks to
8 human life and safety and to the environment
9 throughout the State;

10 (5) the emergency requires—

11 (A) immediate and credible action that re-
12 spects the complexity of the State of Califor-
13 nia's water system and its importance to the
14 entire State; and

15 (B) policies that do not pit stakeholders
16 against one another, which history has shown
17 only leads to costly litigation that benefits no
18 one and prevents any real solutions;

19 (6) Federal law (including regulations) directly
20 authorizes expedited decision-making procedures and
21 environmental and public review procedures to en-
22 able timely and appropriate implementation of ac-
23 tions to respond to such a type and severity of emer-
24 gency; and

1 (7) the serious emergency posed by the 2013-
2 2014 drought in the State fully satisfies the condi-
3 tions necessary for the exercise of emergency deci-
4 sion making, analytical, and public review require-
5 ments under—

6 (A) the Endangered Species Act of 1973
7 (16 U.S.C. 1531 et seq.);

8 (B) the National Environmental Policy Act
9 of 1969 (42 U.S.C. 4321 et seq.);

10 (C) water control management procedures
11 of the Corps of Engineers described in section
12 222.5 of title 33, Code of Federal Regulations
13 (including successor regulations); and

14 (D) the Reclamation States Emergency
15 Drought Relief Act of 1991 (Public Law 102–
16 250; 106 Stat. 53).

17 **SEC. 102. DEFINITIONS.**

18 In this title:

19 (1) CENTRAL VALLEY PROJECT.—The term
20 “Central Valley Project” has the meaning given the
21 term in section 3403 of the Central Valley Project
22 Improvement Act (106 Stat. 4707).

23 (2) KLAMATH PROJECT.—The term “Klamath
24 Project” means the Bureau of Reclamation project
25 in the States of California and Oregon—

1 (A) as authorized under the Act of June
2 17, 1902 (32 Stat. 388, chapter 1093); and

3 (B) as described in—

4 (i) title II of the Oregon Resource
5 Conservation Act of 1996 (Public Law
6 104–208; 110 Stat. 3009–532); and

7 (ii) the Klamath Basin Water Supply
8 Enhancement Act of 2000 (Public Law
9 106–498; 114 Stat. 2221).

10 (3) RECLAMATION PROJECT.—The term “Rec-
11 lamation Project” means a project constructed pur-
12 suant to the authorities of the reclamation laws and
13 whose facilities are wholly or partially located in the
14 State.

15 (4) SECRETARIES.—The term “Secretaries”
16 means—

17 (A) the Administrator of the Environ-
18 mental Protection Agency;

19 (B) the Secretary of Commerce; and

20 (C) the Secretary of the Interior.

21 (5) STATE.—The term “State” means the State
22 of California.

23 (6) STATE WATER PROJECT.—The term “State
24 Water Project” means the water project described
25 by California Water Code section 11550 et seq., and

1 operated by the California Department of Water Re-
2 sources.

3 **SEC. 103. EMERGENCY PROJECTS.**

4 (a) IN GENERAL.—In response to the declaration of
5 a state of drought emergency by the Governor of the
6 State, the Secretaries shall provide the maximum quantity
7 of water supplies possible to Central Valley Project and
8 Klamath Project agricultural, municipal and industrial,
9 and refuge service and repayment contractors, State
10 Water Project contractors, and any other locality or mu-
11 nicipality in the State, by approving, consistent with appli-
12 cable laws (including regulations)—

13 (1) any project or operations to provide addi-
14 tional water supplies if there is any possible way
15 whatsoever that the Secretaries can do so unless the
16 project or operations constitute a highly inefficient
17 way of providing additional water supplies; and

18 (2) any projects or operations as quickly as pos-
19 sible based on available information to address the
20 emergency conditions.

21 (b) MANDATE.—In carrying out subsection (a), the
22 applicable agency heads described in that subsection shall,
23 consistent with applicable laws (including regulations)—

24 (1) authorize and implement actions to ensure
25 that the Delta Cross Channel Gates shall remain

1 open to the greatest extent possible, timed to maxi-
2 mize the peak flood tide period and provide water
3 supply and water quality benefits for the duration of
4 the State's drought emergency declaration, con-
5 sistent with operational criteria and monitoring cri-
6 teria developed pursuant to the California State
7 Water Resources Control Board's Order Approving a
8 Temporary Urgency Change in License and Permit
9 Terms in Response to Drought Conditions, effective
10 January 31, 2014, or a successor order;

11 (2)(A) collect data associated with the operation
12 of the Delta Cross Channel Gates described in para-
13 graph (1) and its impact on species listed as threat-
14 ened or endangered under the Endangered Species
15 Act of 1973 (16 U.S.C. 1531 et seq.), water quality,
16 and water supply; and

17 (B) after assessing the data described in sub-
18 paragraph (A), require the Director of the National
19 Marine Fisheries Service to recommend revisions to
20 operations of the Central Valley Project and the
21 California State Water Project, including, if appro-
22 priate, the reasonable and prudent alternatives con-
23 tained in the biological opinion issued by the Na-
24 tional Marine Fisheries Service on June 4, 2009,

1 that are likely to produce fishery, water quality, and
2 water supply benefits;

3 (3)(A) implement turbidity control strategies
4 that allow for increased water deliveries while avoid-
5 ing jeopardy to adult delta smelt (*Hypomesus*
6 *transpacificus*) due to entrainment at Central Valley
7 Project and State Water Project pumping plants;
8 and

9 (B) manage reverse flow in Old and Middle Riv-
10 ers as prescribed by the biological opinion issued by
11 the United States Fish and Wildlife Service and
12 dated December 15, 2008, to minimize water supply
13 reductions for the Central Valley Project and the
14 State Water Project;

15 (4) adopt a 1:1 inflow to export ratio for the in-
16 creased flow of the San Joaquin River, as measured
17 as a 3-day running average at Vernalis during the
18 period from April 1 through May 31, resulting from
19 voluntary transfers and exchanges of water supplies,
20 among other purposes;

21 (5) issue all necessary permit decisions under
22 the authority of the Secretaries within 30 days of re-
23 ceiving a completed application by the State to place
24 and use temporary barriers or operable gates in
25 Delta channels to improve water quantity and qual-

1 ity for State Water Project and Central Valley
2 Project South of Delta water contractors and other
3 water users, which barriers or gates should provide
4 benefits for species protection and in-Delta water
5 user water quality and shall be designed such that
6 formal consultations under section 7 of the Endan-
7 gered Species Act of 1973 (16 U.S.C. 1536) would
8 not be necessary;

9 (6)(A) require the Director of the United States
10 Fish and Wildlife Service and the Commissioner of
11 the Bureau of Reclamation to complete all require-
12 ments under the National Environmental Policy Act
13 of 1969 (42 U.S.C. 4321 et seq.) and the Endan-
14 gered Species Act of 1973 (16 U.S.C. 1531 et seq.)
15 necessary to make final permit decisions on water
16 transfer requests associated with voluntarily
17 fallowing nonpermanent crops in the State, within
18 30 days of receiving such a request; and

19 (B) require the Director of the United States
20 Fish and Wildlife Service to allow any water transfer
21 request associated with fallowing to maximize the
22 quantity of water supplies available for nonhabitat
23 uses as long as the fallowing and associated water
24 transfer are in compliance with applicable Federal
25 laws (including regulations);

1 (7) allow North of Delta water service contrac-
2 tors with unused 2013 Central Valley Project con-
3 tract supplies to take delivery of those unused sup-
4 plies through April 15, 2014, if—

5 (A) the contractor requests the extension;
6 and

7 (B) the requesting contractor certifies
8 that, without the extension, the contractor
9 would have insufficient supplies to adequately
10 meet water delivery obligations;

11 (8) maintain all rescheduled water supplies held
12 in the San Luis Reservoir and Millerton Reservoir
13 for all water users for delivery in the immediately
14 following contract water year unless precluded by
15 reservoir storage capacity limitations;

16 (9) to the maximum extent possible based on
17 the availability of water and without causing land
18 subsidence—

19 (A) meet the contract water supply needs
20 of Central Valley Project refuges through the
21 improvement or installation of wells to use
22 groundwater resources and the purchase of
23 water from willing sellers, which activities may
24 be accomplished by using funding made avail-
25 able under section 104 or the Water Assistance

1 Program or the WaterSMART program of the
2 Department of the Interior; and

3 (B) make a quantity of Central Valley
4 Project surface water obtained from the meas-
5 ures implemented under subparagraph (A)
6 available to Central Valley Project contractors;

7 (10) make any WaterSMART grant funding al-
8 located to the State available on a priority and expe-
9 dited basis for projects in the State that—

10 (A) provide emergency drinking and mu-
11 nicipal water supplies to localities in a quantity
12 necessary to meet minimum public health and
13 safety needs;

14 (B) prevent the loss of permanent crops;

15 (C) minimize economic losses resulting
16 from drought conditions; or

17 (D) provide innovative water conservation
18 tools and technology for agriculture and urban
19 water use that can have immediate water sup-
20 ply benefits;

21 (11) implement offsite upstream projects in the
22 Delta and upstream Sacramento River and San Joa-
23 quin basins, in coordination with the California De-
24 partment of Water Resources and the California De-
25 partment of Fish and Wildlife, that offset the effects

1 on species listed as threatened or endangered under
2 the Endangered Species Act of 1973 (16 U.S.C.
3 1531 et seq.) due to actions taken under this Act;
4 and

5 (12) use all available scientific tools to identify
6 and implement any changes to real-time operations
7 of Bureau of Reclamation, State, and local water
8 projects that could result in the availability of addi-
9 tional water supplies.

10 (c) OTHER AGENCIES.—To the extent that a Federal
11 agency other than agencies headed by the Secretaries has
12 a role in approving projects described in subsections (a)
13 and (b), the provisions of this section shall apply to those
14 Federal agencies.

15 (d) ACCELERATED PROJECT DECISION AND ELE-
16 VATION.—

17 (1) IN GENERAL.—Upon the request of the
18 State, the heads of Federal agencies shall use the
19 expedited procedures under this subsection to make
20 final decisions relating to a Federal project or oper-
21 ation to provide additional water supplies or address
22 emergency drought conditions pursuant to sub-
23 sections (a) and (b).

24 (2) REQUEST FOR RESOLUTION.—

1 (A) IN GENERAL.—Upon the request of
2 the State, the head of an agency referred to in
3 subsection (a), or the head of another Federal
4 agency responsible for carrying out a review of
5 a project, as applicable, the Secretary of the In-
6 terior shall convene a final project decision
7 meeting with the heads of all relevant Federal
8 agencies to decide whether to approve a project
9 to provide emergency water supplies.

10 (B) MEETING.—The Secretary of the Inte-
11 rior shall convene a meeting requested under
12 subparagraph (A) not later than 7 days after
13 receiving the meeting request.

14 (3) NOTIFICATION.—Upon receipt of a request
15 for a meeting under this subsection, the Secretary of
16 the Interior shall notify the heads of all relevant
17 Federal agencies of the request, including the
18 project to be reviewed and the date for the meeting.

19 (4) DECISION.—Not later than 10 days after
20 the date on which a meeting is requested under
21 paragraph (2), the head of the relevant Federal
22 agency shall issue a final decision on the project.

23 (5) MEETING CONVENED BY SECRETARY.—The
24 Secretary may convene a final project decision meet-
25 ing under this subsection at any time, at the discre-

1 tion of the Secretary, regardless of whether a meet-
2 ing is requested under paragraph (2).

3 **SEC. 104. EMERGENCY FUNDING.**

4 (a) FINANCIAL ASSISTANCE.—

5 (1) IN GENERAL.—Financial assistance may be
6 made available under the Reclamation States Emer-
7 gency Drought Relief Act of 1991 (43 U.S.C. 2201
8 et seq.), subtitle F of title IX of the Omnibus Public
9 Land Management Act of 2009 (42 U.S.C. 10361 et
10 seq.) (commonly known as the “Secure Water Act of
11 2009”), and any other applicable Federal law (in-
12 cluding regulations), to be divided among each appli-
13 cable program at the discretion of the Secretary for
14 eligible water projects to assist drought-plagued
15 areas of the State and the West.

16 (2) ADDITIONAL AVAILABILITY.—Financial as-
17 sistance may be made available under this section to
18 organizations and entities, including tribal govern-
19 ments, that are engaged in collaborative processes to
20 restore the environment while settling water rights
21 claims that are part of an active water rights adju-
22 dication or a broader settlement of claims that are
23 part of a basin-wide solution for restoration.

24 (b) TYPES OF ASSISTANCE.—Assistance under sub-
25 section (a) shall include a range of projects, including—

1 (1) the installation of pumps, temporary bar-
2 riers, or operable gates for water diversion and fish
3 protection;

4 (2) the installation of groundwater wells in
5 wildlife refuges and other areas;

6 (3) the purchase or assistance in the purchase
7 of water from willing sellers;

8 (4) conservation projects providing water supply
9 benefits in the short-term;

10 (5) exchanges with any water district willing to
11 provide water to meet the emergency water needs of
12 other water districts in return for the delivery of
13 equivalent quantities of water later that year or in
14 future years;

15 (6) maintenance of cover crops to prevent pub-
16 lic health impacts from severe dust storms;

17 (7) emergency pumping projects for critical
18 health and safety purposes;

19 (8) activities to reduce water demand consistent
20 with a comprehensive program for environmental
21 restoration and settlement of water rights claims;

22 (9) the use of new or innovative water on-farm
23 water conservation technologies or methods that may
24 assist in sustaining permanent crops in areas with
25 severe water shortages;

1 (10) technical assistance to improve existing ir-
2 rigation practices to provide water supply benefits in
3 the short-term; and

4 (11) any other assistance the Secretary deter-
5 mines to be necessary to increase available water
6 supplies or mitigate drought impacts.

7 **SEC. 105. EMERGENCY ENVIRONMENTAL REVIEWS.**

8 To minimize the time spent carrying out environ-
9 mental reviews and to deliver water quickly that is needed
10 to address emergency drought conditions, the head of each
11 applicable Federal agency shall, in carrying out this Act,
12 consult with the Council on Environmental Quality in ac-
13 cordance with section 1506.11 of title 40, Code of Federal
14 Regulations (including successor regulations) to develop
15 alternative arrangements to comply with the National En-
16 vironmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
17 during the emergency.

18 **SEC. 106. STATE REVOLVING FUNDS.**

19 (a) IN GENERAL.—The Administrator of the Envi-
20 ronmental Protection Agency, in allocating amounts for
21 each of the fiscal years during which the State’s emer-
22 gency drought declaration is in force to State water pollu-
23 tion control revolving funds established under title VI of
24 the Federal Water Pollution Control Act (33 U.S.C. 1381
25 et seq.) and the State drinking water treatment revolving

1 loan funds established under section 1452 of the Safe
2 Drinking Water Act (42 U.S.C. 300j–12), shall, for those
3 projects that are eligible to receive assistance under sec-
4 tion 603 of the Federal Water Pollution Control Act (33
5 U.S.C. 1383) or section 1452(a)(2) of the Safe Drinking
6 Water Act (42 U.S.C. 300j–12(a)(2)), respectively, that
7 the State determines will provide additional water supplies
8 most expeditiously to areas that are at risk of having an
9 inadequate supply of water for public health and safety
10 purposes or to improve resiliency to drought—

11 (1) require the State to review and prioritize
12 funding for such projects;

13 (2) issue a determination of waivers within 30
14 days of the conclusion of the informal public com-
15 ment period pursuant to section 436(c) of title IV of
16 division G of Public Law 113–76; and

17 (3) authorize, at the request of the State, 40-
18 year financing for assistance under section
19 603(d)(2) of the Federal Water Pollution Control
20 Act (33 U.S.C. 1383(d)(2)) or section 1452(f)(2) of
21 the Safe Drinking Water Act (42 U.S.C. 300j–
22 12(f)(2)).

23 (b) APPLICABILITY.—Paragraphs (2) and (3) of sub-
24 section (a) shall apply to any other State—

1 (1) that has a State-declared drought declara-
2 tion in force; or

3 (2) for which a natural disaster has been de-
4 clared by the Secretary of Agriculture under section
5 321(a) of the Consolidated Farm and Rural Devel-
6 opment Act (7 U.S.C. 1961(a)) for drought or agri-
7 cultural disaster.

8 (c) EFFECT OF SECTION.—Nothing in this section
9 authorizes the Administrator of the Environmental Pro-
10 tection Agency to modify any funding allocation, funding
11 criteria, or other requirement relating to State water pol-
12 lution control revolving funds established under title VI
13 of the Federal Water Pollution Control Act (33 U.S.C.
14 1381 et seq.) and the State drinking water treatment re-
15 volving loan funds established under section 1452 of the
16 Safe Drinking Water Act (42 U.S.C. 300j–12) for any
17 State other than as described in subsections (a) and (b).

18 **SEC. 107. DROUGHT PLANNING ASSISTANCE.**

19 (a) IN GENERAL.—Upon the request of Central Val-
20 ley Project or Klamath Project contractors or other Rec-
21 lamation Project contractors in the State, the Secretary
22 of the Interior, acting through the Commissioner of Rec-
23 lamation, shall provide water supply planning assistance
24 in preparation for and in response to dry, critically dry,
25 and below normal water year types to those Central Valley

1 Project or Klamath Project contractors or other Reclama-
2 tion Project contractors making those requests, including
3 contractors who possess contracts for refuge water sup-
4 plies or deliver refuge water supplies.

5 (b) TYPES OF ASSISTANCE.—Assistance under sub-
6 section (a) shall include—

7 (1) hydrological forecasting;

8 (2) assessment of water supply sources under
9 different water year classification types;

10 (3) identification of alternative water supply
11 sources;

12 (4) guidance on potential water transfer part-
13 ners;

14 (5) technical assistance regarding Federal and
15 State permits and contracts under the Act of Feb-
16 ruary 21, 1911 (36 Stat. 925, chapter 141) (com-
17 monly known as the “Warren Act”);

18 (6) technical assistance regarding emergency
19 provision of water supplies for critical health and
20 safety purposes;

21 (7) activities carried out in conjunction with the
22 National Oceanic and Atmospheric Administration,
23 the National Integrated Drought Information Sys-
24 tem, and the State partners of the National Inte-
25 grated Drought Information System under the Na-

1 tional Integrated Drought Information System Act
2 of 2006 (15 U.S.C. 313d)—

3 (A) to collect and integrate key indicators
4 of drought severity and impacts; and

5 (B) to produce and communicate timely
6 monitoring and forecast information to local
7 and regional communities, including the San
8 Joaquin Valley, the Delta, and the Central
9 Coast; and

10 (8) any other assistance the Secretary deter-
11 mines to be necessary.

12 **SEC. 108. CALFED BAY-DELTA ACT REAUTHORIZATION.**

13 Title I of the Water Supply, Reliability, and Environ-
14 mental Improvement Act (118 Stat. 1681; 123 Stat.
15 2860) (as amended by section 207 of title II of division
16 D of the Consolidated Appropriations Act, 2014) is
17 amended by striking “2015” each place it appears and
18 inserting “2018”.

19 **SEC. 109. RECLAMATION STATES EMERGENCY DROUGHT**
20 **RELIEF ACT REAUTHORIZATION.**

21 (a) IN GENERAL.—Section 301 of the Reclamation
22 States Emergency Drought Relief Act of 1991 (43 U.S.C.
23 2241) is amended—

24 (1) by striking “\$90,000,000” and inserting
25 “\$190,000,000”; and

1 (2) by striking “2012” and inserting “2019”.

2 (b) CONFORMING AMENDMENT.—Section 104(c) of
3 the Reclamation States Emergency Drought Relief Act of
4 1991 (43 U.S.C. 2214(c)) is amended by striking “2017”
5 and inserting “2019”.

6 **SEC. 110. SECURE WATER ACT REAUTHORIZATION.**

7 Section 9504 of the Omnibus Public Land Manage-
8 ment Act of 2009 (42 U.S.C. 10364) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (2)(A)—

11 (i) by striking “; and” and inserting
12 “; or”;

13 (ii) by striking “(A) be located within
14 the States” and inserting the following:

15 “(A) be located within—

16 “(i) the States”; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(ii) the State of Hawaii; and”; and

20 (B) in paragraph (3)(E), by adding at the
21 end the following:

22 “(v) AUTHORITY OF COMMISS-
23 SIONER.—The Commissioner of Reclama-
24 tion may, at the discretion of the Commis-
25 sioner—

1 “(I) waive any cost-share require-
2 ments to address emergency situa-
3 tions; and

4 “(II) prioritize projects based on
5 the ability of the projects to expedi-
6 tiously yield water supply benefits
7 during periods of drought.”; and

8 (2) in subsection (e), by striking
9 “\$200,000,000” and inserting “\$300,000,000”.

10 **SEC. 111. COLORADO RIVER BASIN SYSTEM WATER.**

11 (a) IN GENERAL.—As soon as practicable after the
12 date of enactment of this Act, consistent with the purposes
13 of section 9504 of the Omnibus Public Land Management
14 Act of 2009 (42 U.S.C. 10364), the Secretary of the Inte-
15 rior (referred to in this section as the “Secretary”) shall
16 fund or participate in pilot projects to increase Colorado
17 River System water in Lake Mead and the initial units
18 of Colorado River Storage Project reservoirs, as author-
19 ized by the first section of the Act of April 11, 1956 (43
20 U.S.C. 620), to address the effects of historic drought con-
21 ditions.

22 (b) ADMINISTRATION.—Pilot projects under this sec-
23 tion shall be funded through—

24 (1) grants by the Secretary to public entities
25 that use water from the Colorado River Basin for

1 municipal purposes, for projects that are imple-
2 mented by 1 or more non-Federal entities; or

3 (2) grants or other appropriate financial agree-
4 ments to provide additional funds for renewing or
5 implementing water conservation agreements that
6 are in existence on the date of enactment of this
7 Act.

8 (c) UPPER COLORADO RIVER BASIN FUND.—Funds
9 in the Upper Colorado River Basin Fund established by
10 section 5 of the Colorado River Storage Project Act (43
11 U.S.C. 620d) shall not be used to carry out this section.

12 **SEC. 112. EFFECT ON STATE LAWS.**

13 Nothing in this Act preempts any State law in effect
14 on the date of enactment of this Act, including area of
15 origin and other water rights protections.

16 **SEC. 113. KLAMATH BASIN WATER SUPPLY.**

17 The Klamath Basin Water Supply Enhancement Act
18 of 2000 (Public Law 106–498; 114 Stat. 2221) is amend-
19 ed—

20 (1) by redesignating sections 4 through 6 as
21 sections 5 through 7, respectively; and

22 (2) by inserting after section 3 the following:

23 **“SEC. 4. WATER MANAGEMENT AND PLANNING ACTIVITIES.**

24 “The Secretary is authorized to engage in activities,
25 including entering into agreements and contracts, or oth-

1 erwise making financial assistance available, to reduce
2 water consumption or demand, or to restore ecosystems
3 (including tribal fishery resources held in trust) in the
4 Klamath Basin watershed, consistent with collaborative
5 agreements for environmental restoration and settlements
6 of water rights claims.”.

7 **SEC. 114. TERMINATION OF AUTHORITIES.**

8 (a) EMERGENCY PROJECTS.—The authority under
9 section 103 expires on the date on which the Governor
10 of the State suspends the state of drought emergency dec-
11 laration.

12 (b) OTHER AUTHORITY.—The authority under sec-
13 tions 104, 105, and 106 shall expire in a State or area
14 on the earlier of—

15 (1) the date on which the emergency drought
16 declaration for the State or area is withdrawn; or

17 (2) the date on which the Secretary of Agri-
18 culture suspends the natural disaster declaration
19 issued under section 321(a) of the Consolidated
20 Farm and Rural Development Act (7 U.S.C.
21 1961(a)) for drought or an agricultural disaster for
22 the State or area.

1 **TITLE II—FEDERAL DISASTER**
2 **ASSISTANCE**

3 **SEC. 201. TREATMENT OF DROUGHT UNDER THE ROBERT**
4 **T. STAFFORD DISASTER RELIEF AND EMER-**
5 **GENCY ASSISTANCE ACT.**

6 (a) FINDINGS.—Congress finds that—

7 (1) the term “major disaster” (as defined in
8 section 102 of the Robert T. Stafford Disaster Relief
9 and Emergency Assistance Act (42 U.S.C. 5122))
10 includes drought, yet no drought in the 30 years
11 preceding the date of enactment of this Act has been
12 declared by the President to be a major disaster in
13 any of the States in accordance with section 401 of
14 that Act (42 U.S.C. 5170);

15 (2) a major drought shall be eligible to be de-
16 clared a major disaster or state of emergency by the
17 President on the request of the Governor of any
18 State;

19 (3) droughts are natural disasters that do
20 occur, and while of a different type of impact, the
21 scale of the impact of a major drought can be equiv-
22 alent to other disasters that have been declared by
23 the President to be a major disaster under the Rob-
24 ert T. Stafford Disaster Relief and Emergency As-
25 sistance Act (42 U.S.C. 5121 et seq.); and

1 (4) droughts have wide-ranging and long-term
2 impacts on ecosystem health, agriculture production,
3 permanent crops, forests, waterways, air quality,
4 public health, wildlife, employment, communities,
5 State and national parks, and other natural re-
6 sources of a State and the people of that State that
7 have significant value.

8 (b) FEDERAL EMERGENCY ASSISTANCE.—Section
9 502(a) of the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C. 5192(a)) is amend-
11 ed—

12 (1) in paragraph (7), by striking “and” after
13 the semicolon at the end;

14 (2) in paragraph (8), by striking the period at
15 the end and inserting a semicolon; and

16 (3) by adding at the end the following:

17 “(9) provide disaster unemployment assistance
18 in accordance with section 410;

19 “(10) provide emergency nutrition and other as-
20 sistance in accordance with section 412; and

21 “(11) provide crisis counseling assistance in ac-
22 cordance with section 416.”.

From: Jason Peltier

Sent: Sunday, April 6, 2014 11:07 AM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'T Birmingham (tbirmingham@westlandswater. org)'; 'Dennis Cardoza'; 'James Watson'

Subject: FW: SLDMWA Delta Conditions Report

Attachments: SLDMWA Delta Conditions Report - 04-03-14.docx

Please let me know if you would like receive this weekly report and Ara will put you on his distribution list. It may contain too much detail as it gets into the monitoring weeds etc.

From: Ara Azhderian [mailto:ara.azhderian@sldmwa.org]

Sent: Sunday, April 06, 2014 9:52 AM

To: Ara Azhderian

Subject: SLDMWA Delta Conditions Report

Good day,

Attached is the April 3, 2014, SLDMWA Delta Conditions Report. Please do not hesitate to contact me if you should have any questions for suggestions to improve the report.

Best,
ara

DELTA CONDITIONS REPORT, APRIL 3, 2014

Holly Long, SLDMWA

EXECUTIVE SUMMARY

- Operational constraint: OMR.
 - NMFS RPA IV.2.1 (San Joaquin I:E) relaxed, as of 4/1/2014. OMR will govern pumping levels over next few days. No more than combined 6,500 cfs pumping over next few days. In effect as long as river levels high from stormwater; expected for at least a week (from media call transcript).
 - X2 today is 81 km (Collinsville).
 - Scheduled combined exports today are 5,400 cfs.
 - Outflow index today is ~21,600 cfs. Yesterday, reported 3-day NDOI was 16,735 cfs.
 - Yesterday's CDEC OMR values were -3,748 cfs (daily), -1,969 cfs (5-day), -2,095 cfs (14-day).
 - % inflow diverted today is 26.0% (3-day average).
- ITLs
 - Delta smelt, adult (4/2): 0%
 - Delta smelt, juvenile (4/2): 0%
 - Winter-run Chinook, unclipped (4/2): 1.3%
 - Winter-run Chinook, clipped (4/2): 0%
 - Spring-run Chinook (i.e. surrogates) (3/24): 0% for three groups (data not updated)
 - Steelhead, unclipped (4/2): 3.4%
- Surveys
 - **Delta smelt**, most recent surveys:
 - Spawning adults (3/10–3/13, SKT) present in Suisun Marsh up to SDWSC.
 - Larvae (3/17–3/21, SLS) present from confluence up to Cache Slough and on the lower San Joaquin (station 809).
 - Postlarval-juveniles (3/17–3/21, 20mm) present in Suisun Marsh, Cache Slough, and northern part of Central Delta (station 919).
 - Jersey Point catch had dropped off, but increased again on March 31 and April 1.
 - **Longfin smelt**, most recent surveys:
 - Larvae (3/17–3/21, SLS) present in Suisun Bay/Marsh up to Cache Slough and at two stations (809, 812) on lower San Joaquin.
 - Postlarval-juveniles (3/17–3/21, 20mm) present at seven Central/South Delta stations and from Suisun Bay/Marsh up to Cache Slough/SDWSC. Not present at the three stations closest to the pumps.
- Expectations
 - Delta smelt:
 - “With the increase in catch at Jersey Point yesterday and today members are concerned that additional spawning could take place in the central and southern Delta. Members are also concerned with the large increase in exports this morning and dramatic increase in negative OMR flows expected later this week (and increasingly negative Qwest). Members are concerned that any larvae currently in the southern Delta will be drawn into the salvage facilities quickly and be followed

with additional larvae from potential upcoming spawning events” (SWG meeting notes, 4/1/2014). Delta smelt larvae were detected for the first time this season yesterday, 4/2, at SWP.

- Longfin smelt: The SWG (4/1/2014) concluded that there was low risk of entrainment, but did not discuss 20mm Survey results beyond stating most were collected at the confluence. Apparently the total longfin smelt larval count had not been reported. The posted data shows postlarval-juveniles in the Central and South Delta.

DELTA CONDITIONS REPORT, APRIL 3, 2014

DELTA SMELT

- **Salvage:**
 - Larvae detected at SWP on 4/2.
 - No larvae detected at CVP as of 4/2. Sampling began 3/13, only during daytime, M–F.

	Combined salvage as of 4/2/14	Concern level for WY 2014	Delta smelt ITL for WY 2014
Adult	0	116	155
Juvenile	0	671	1007

- **Spring Kodiak Trawl** (same as last week)

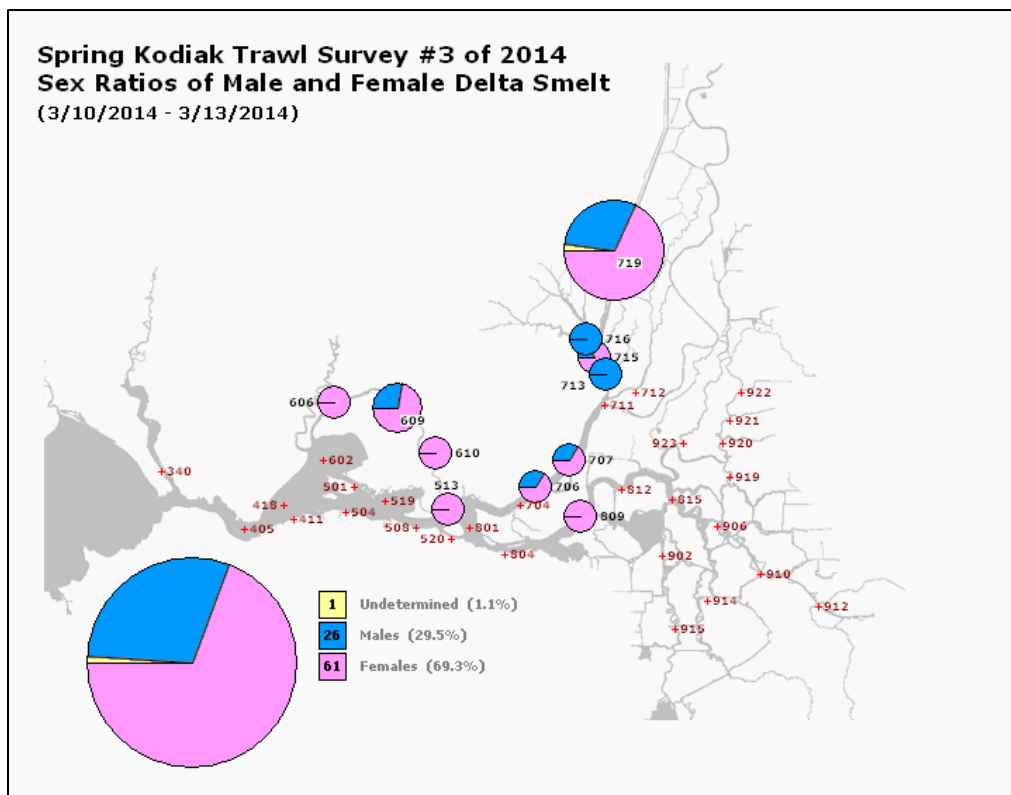


Figure: The greatest numbers of delta smelt are in the Deep Water Shipping Channel now. Two female fish were present there in the last survey (#2), but fish were most abundant in Suisun Marsh at the time. More fish overall were caught in this survey (88 vs. 55), and there is a larger percentage of females (69% vs. 58%). The main distribution differences between the two surveys are that there are now fish present at an additional station in the Suisun marsh area (station 610) and at a station further down the San Joaquin River (station 809, not 804), and there are no longer fish at central delta station 923.

- The next Spring Kodiak Trawl (#4) is the week of April 7.

- **Smelt Larval Survey (delta smelt):**
 - SURVEY #6, still processing:

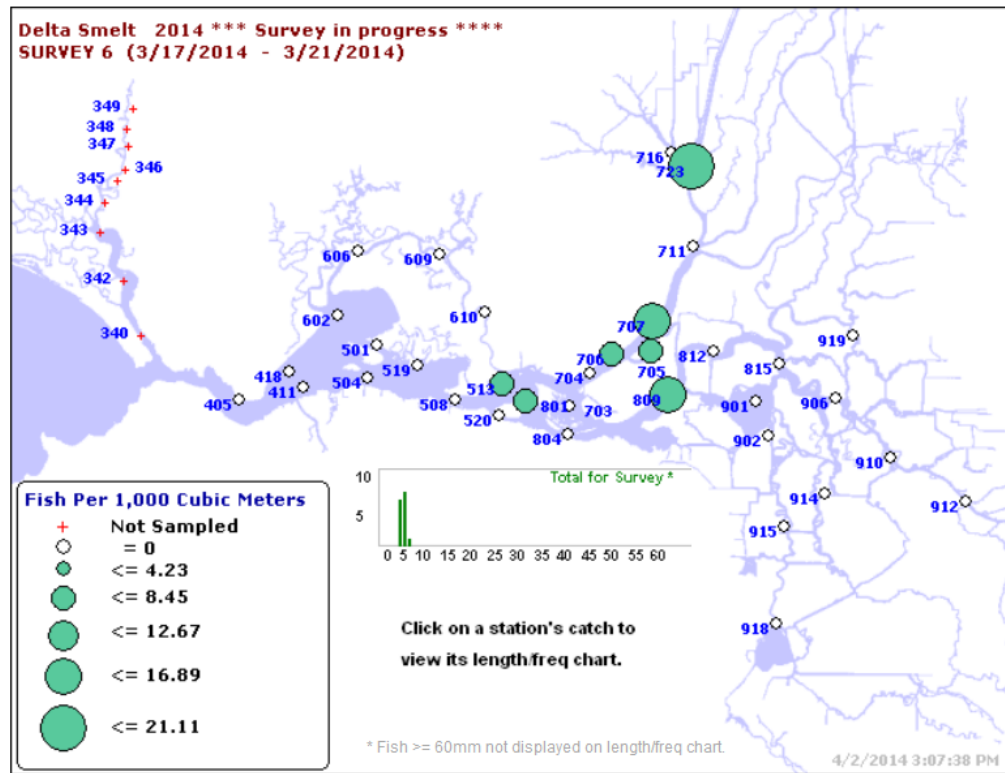


Figure: SLS Survey #6 (final survey, 3/17–3/21) is still processing. Delta smelt larvae are present around the confluence and up to Cache Slough, as well as at one lower San Joaquin station. So far they have been recorded at more stations than in the previous survey (7 vs. 4). The presence of larvae at stations in the lower Sacramento and San Joaquin is different from the previous survey, and they are no longer present at stations 716 and 711.



Figure: SLS Survey #6. The centroid (weighted mean) position of larval delta smelt distribution is east of the confluence, according to the preliminary survey #6. The blue bars represent one standard deviation. The position has moved west since the last survey (preliminary #5 is at -25.8 ± 23.3).

- **20 mm survey:**
 - Survey #1

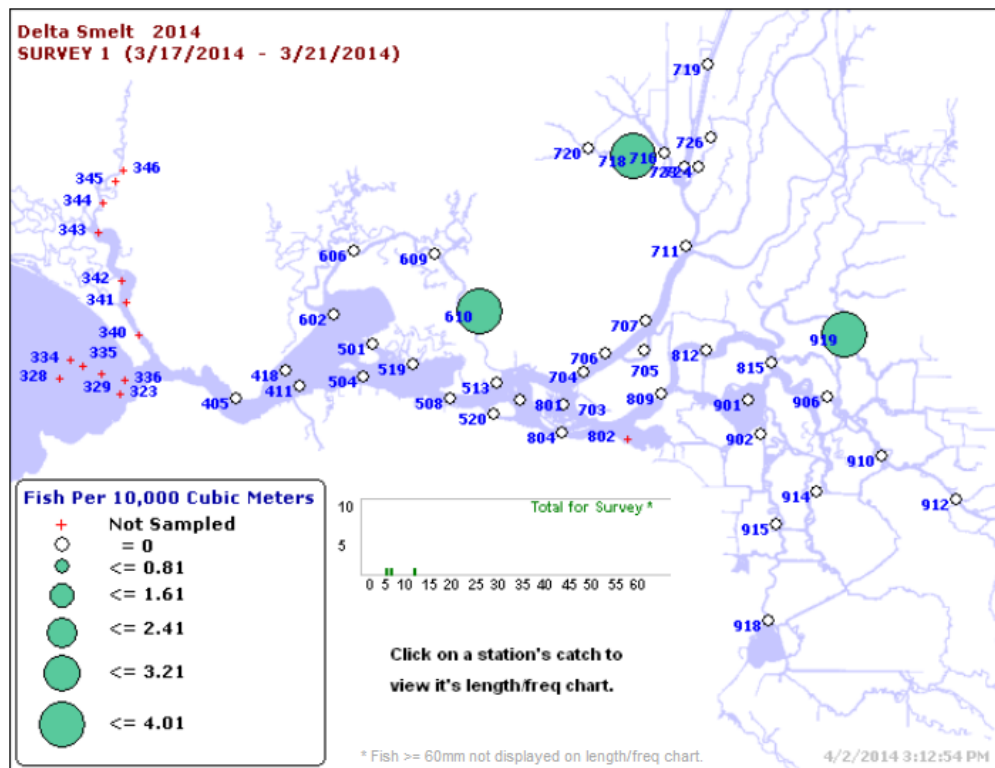


Figure: 20 mm Survey #1 (3/17–3/21). Delta smelt postlarval-juveniles are present in Suisun Marsh, Cache Slough, and the northern part of Central Delta.

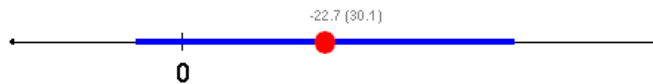


Figure: Survey #1. The centroid (weighted mean) position of postlarval-juvenile delta smelt distribution is east of the confluence. The blue bars represent one standard deviation.

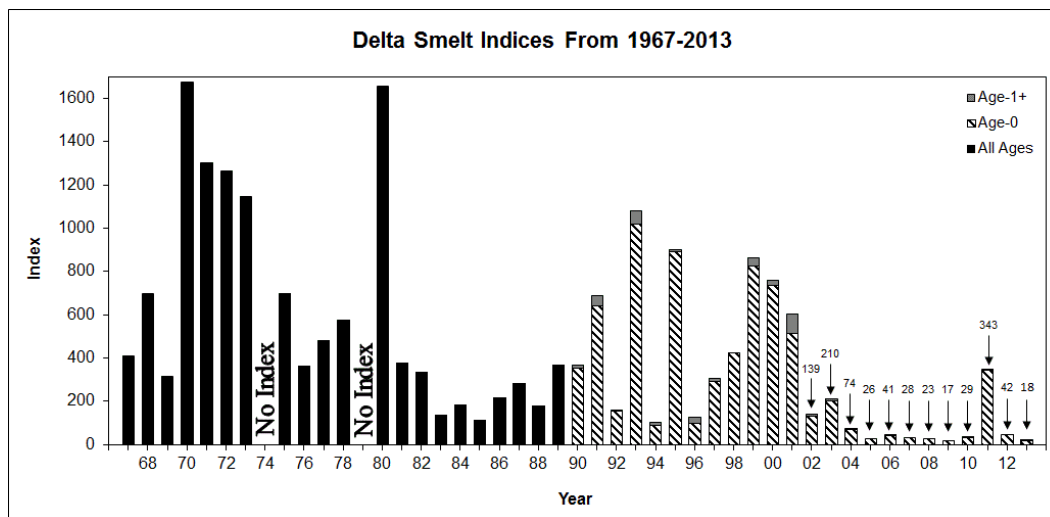
- Survey #2 started April 1.

- **Jersey Point supplemental trawling:**

- “Catch increased on March 31 and April 1. Catch on March 31 was 17 adults, while catch on April 1 was 71. However, given the increased catch this morning, effort was cut short part way through the third trawl” (SWG meeting notes, 4/1/14).
- Expected to run through April 15. Trawls are weekly unless river flow increases, and then trawls are increased to daily for 14 consecutive days.

Date	# tows	# delta smelt	Date	# tows	# delta smelt
2/27/2014	15	16	3/15/2014	15	0
2/28/2014	15	3	3/16/2014	15	2
3/1/2014	11	6	3/17/2014	15	1
3/2/2014	15	3	3/18/2014	15	1
3/3/2014	12	12	3/25/2014	7	0
3/4/2014	15	2	3/26/2014	15	8
3/5/2014	15	10	3/27/2014	15	1
3/6/2014	15	15	3/28/2014	I do not yet have data--will get from DCT	
3/7/2014	15	13	3/29/2014		
3/8/2014	15	4	3/30/2014	?-->DCT stopped during 3rd	
3/9/2014	15	4	3/31/2014		
3/10/2014	15	3	4/1/2014		71
3/11/2014	15	7			
3/12/2014	15	2			
3/14/2014	15	2			

- **Fall Midwater Trawl (September–December):**



- **Salvage:**

- Longfin smelt larvae at SWP on 2/24–3/1, 3/3, 3/5, 3/7, 3/10, 3/19–3/20, 3/25 (as of 4/1).
- No larvae detected at CVP as of 4/2, though samples still processing for 3/26–3/28. Sampling began 3/13, only during daytime, M–F.

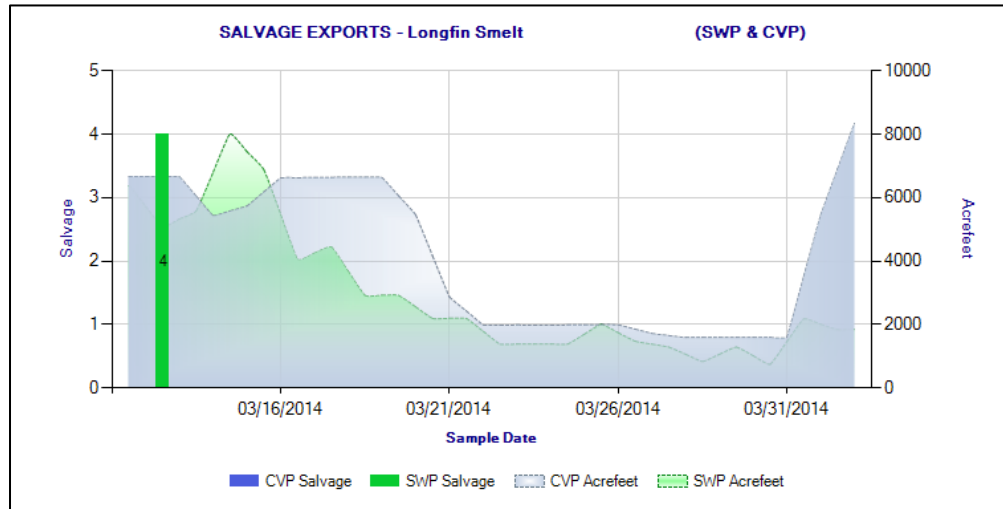


Figure: Recent longfin smelt salvage at both facilities. No additional salvage in the last week. Data through 4/2.

- Cumulative combined longfin smelt salvage as of 4/2: 32 fish. According to SWG meeting notes (4/1/14), no adult longfin smelt have been salvaged (only juveniles, age-0).

- **Smelt Larval Survey (longfin smelt):**

- SURVEY #6:

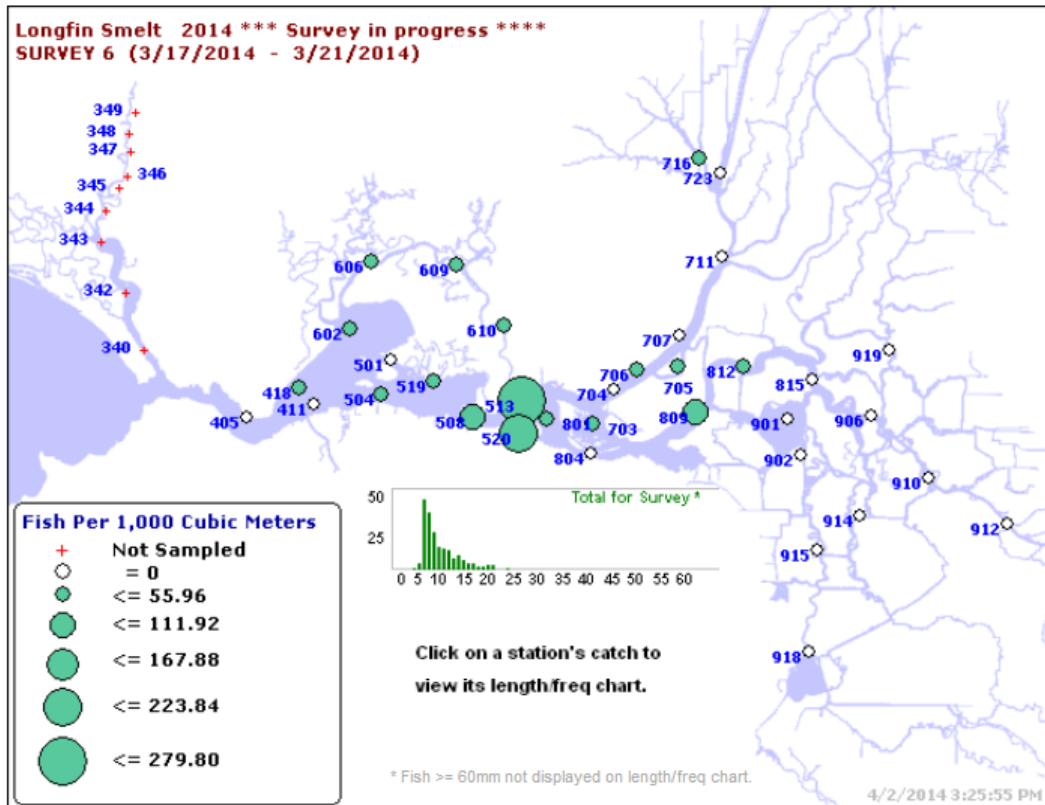


Figure: Survey #6 (the last of the year, 3/17–3/21) is still processing. Larval densities are now generally lower than the previous survey. Other main differences are that larvae are no longer present at Central Delta stations 815 and 901 and DWSC station 723. Detection of longfin smelt larvae at only 2 central and south Delta stations indicates low risk of entrainment according to SWG notes (3/24/14).



Figure: The centroid (weighted mean) position of larval longfin smelt distribution is just west of the confluence, according to the preliminary survey #6. The blue bars represent one standard deviation. The distribution is similar to that of (processing) survey #5 (4.2 ± 14.1) and both are west of (processing) survey #4 (-0.7 ± 16.2). These positions are subject to change as more station samples are processed.

- **20 mm survey:**
 - Survey #1

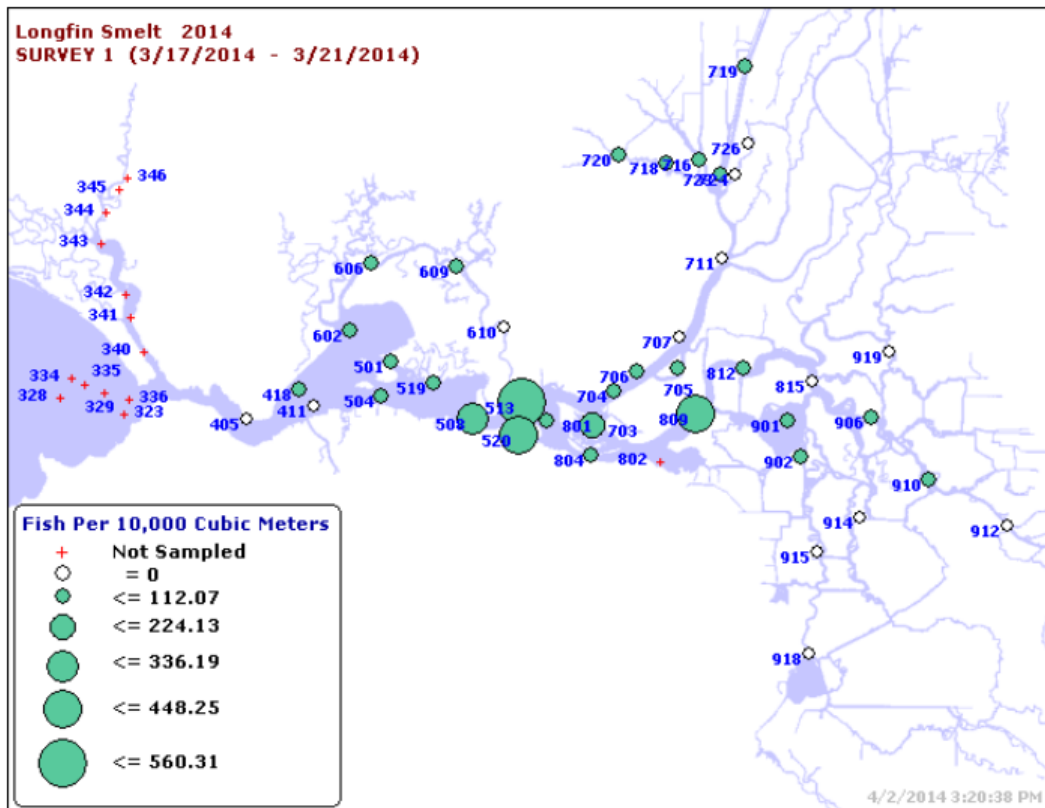


Figure: 20 mm Survey #1 (3/17–3/21). Longfin smelt postlarval-juveniles are present in Central Delta, Cache Slough/SDWSC, Cache Slough, confluence, Suisun Bay, Suisun Marsh. This is a much broader distribution than for delta smelt.

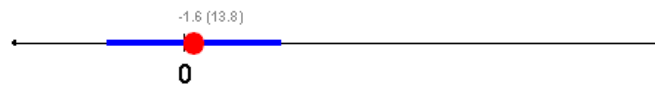
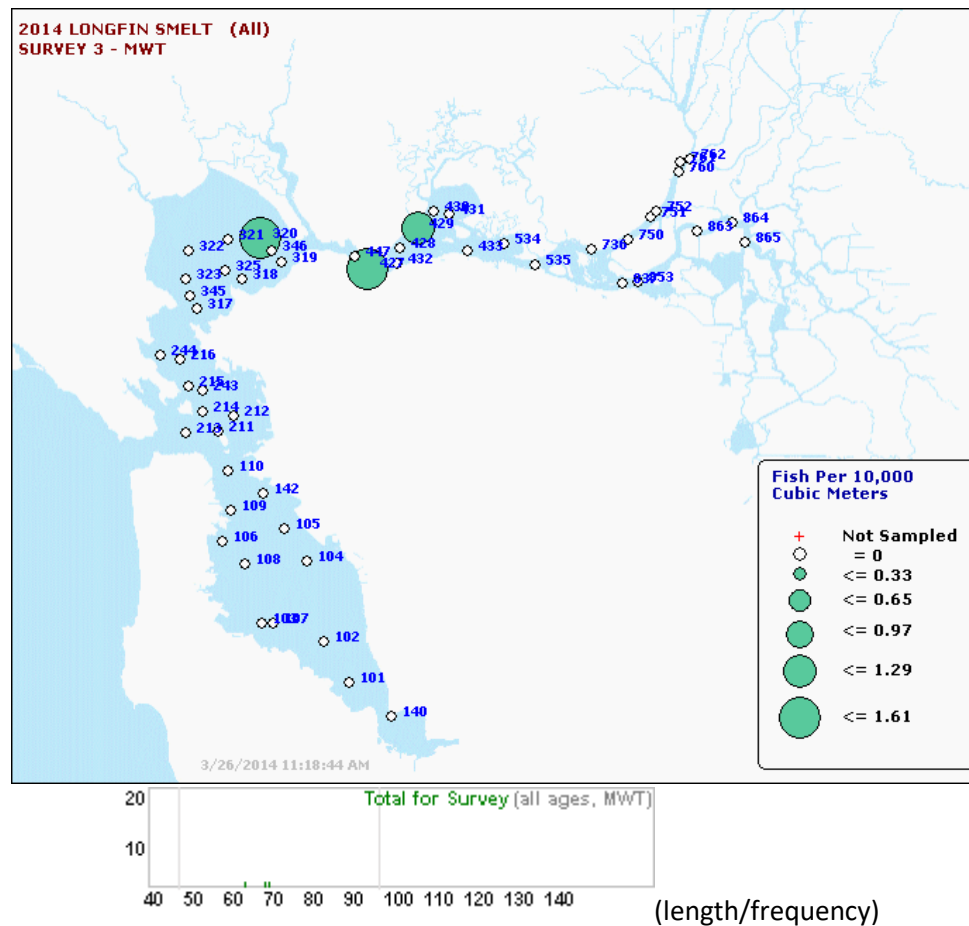


Figure: Survey #1. The centroid (weighted mean) position of postlarval-juvenile longfin smelt distribution is essentially at the confluence. The blue bars represent one standard deviation.

- Survey #2 started April 1.

- **Bay Study:**



- **Figure:** Monthly Mid water trawl (pelagic), Survey 3. Longfin smelt are located in San Pablo Bay to western Suisun Bay, representing a westward shift from the past two surveys. Fish densities are also lower than the past two surveys. All fish were age-1, as in the previous survey.

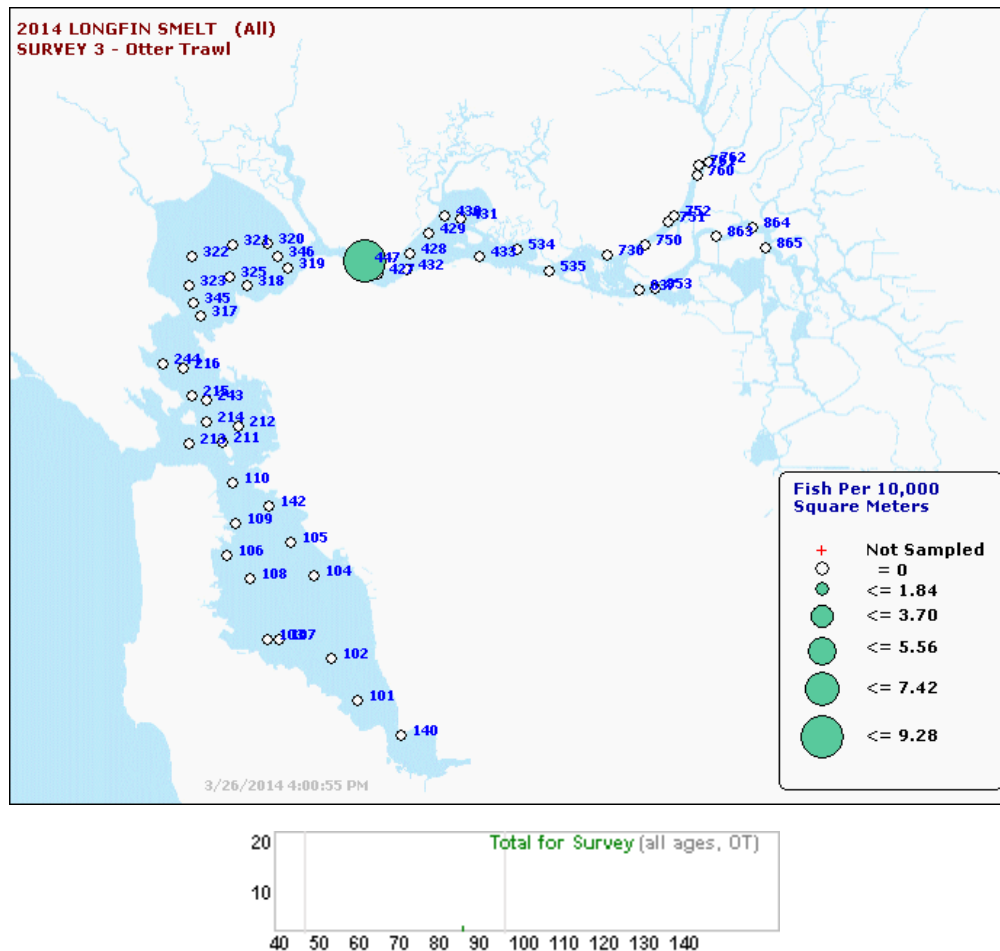
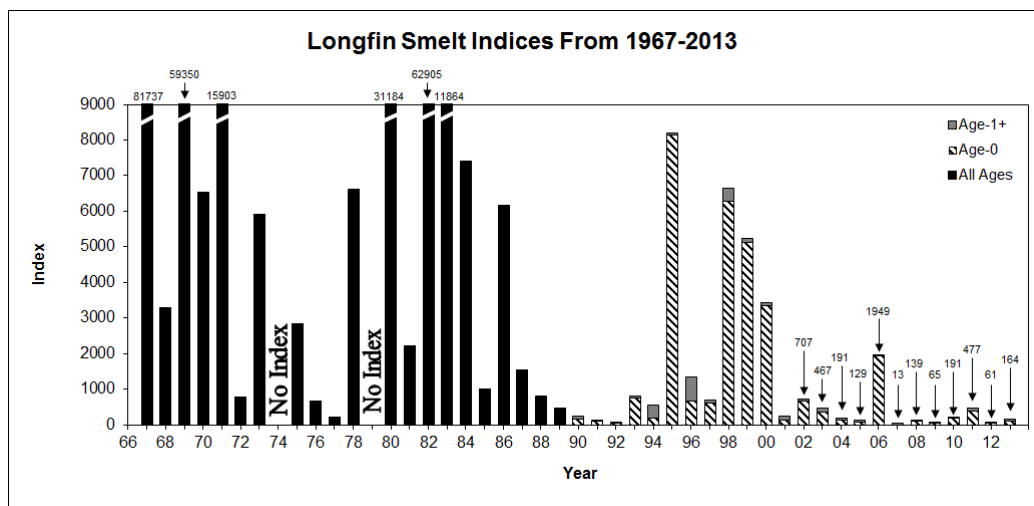


Figure: Monthly otter trawl (demersal), Survey 3. Fish are now only present at Carquinez Strait. In the previous survey, fish were distributed from South Bay to Suisun Bay. Fish were all age-1.

- Fall Midwater Trawl (September–December):**



CHINOOK SALMON

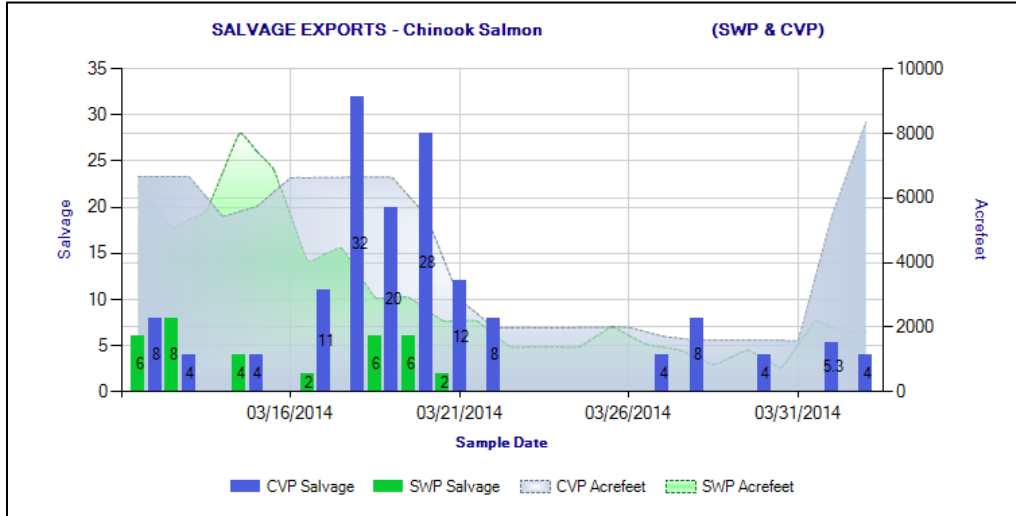


Figure: Recent Chinook salmon salvage at both facilities. Salvage dates from the last week were 3/27, 3/28, 3/30, 4/1, 4/2 (all CVP). Data through 4/2.

	Cumulative combined loss as of 4/2/14	Winter-run concern level for 10/1/2013-6/30/2014	Winter-run ITL for 10/1/2013-6/30/2014
Non-clipped	314	11,964	23,928
Clipped	0	154	309

	Released spring-run surrogates	Cumulative combined loss as of 3/24/2014*	Spring-run surrogate concern level WY 2014 (0.5%)	Spring-run surrogate ITL WY 2014 (1%)
Coleman NFH 1/7/14 release	68,516	0	343	685
Coleman NFH 1/13/14 release	81,962	0	410	820
Coleman NFH 1/23/14 release	73,600	0	368	736

*Updated data not available—this is from last week.

STEELHEAD

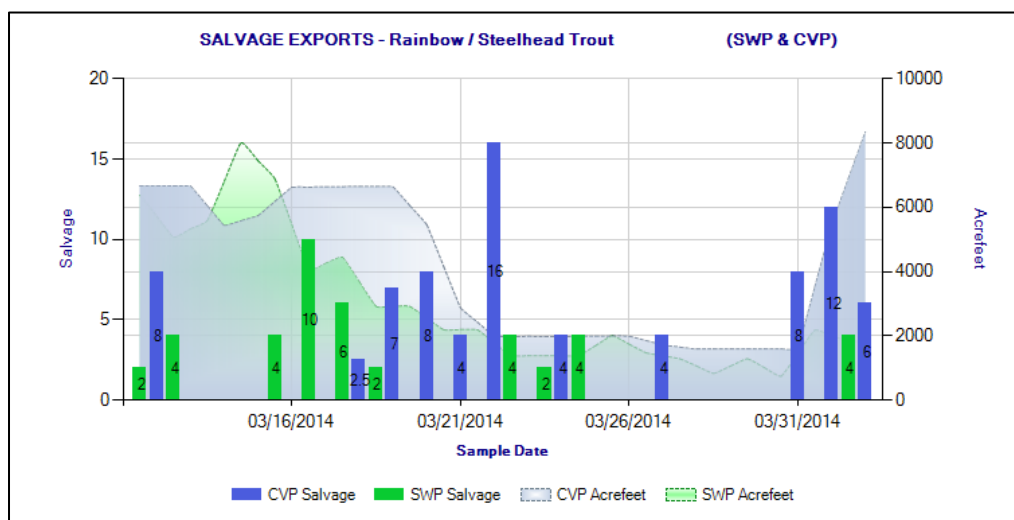


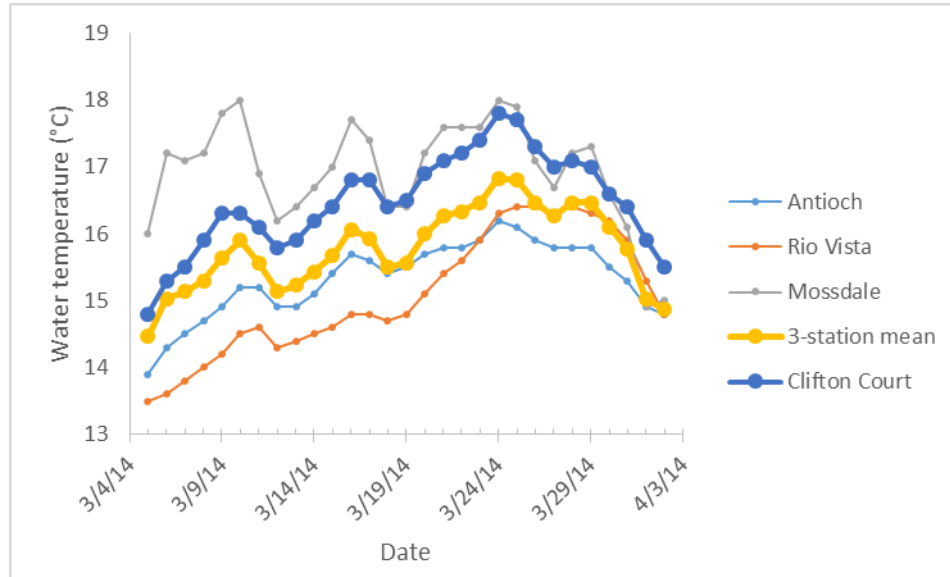
Figure: Recent steelhead salvage at both facilities. Salvage dates from the last week were 3/27, 3/31, 4/1 (all CVP), and 4/2 (CVP and SWP). Data through 4/2.

	Cumulative combined salvage as of 4/2/2014	Concern level	Steelhead ITL
Non-clipped, adults and juveniles	102	1,500	3,000

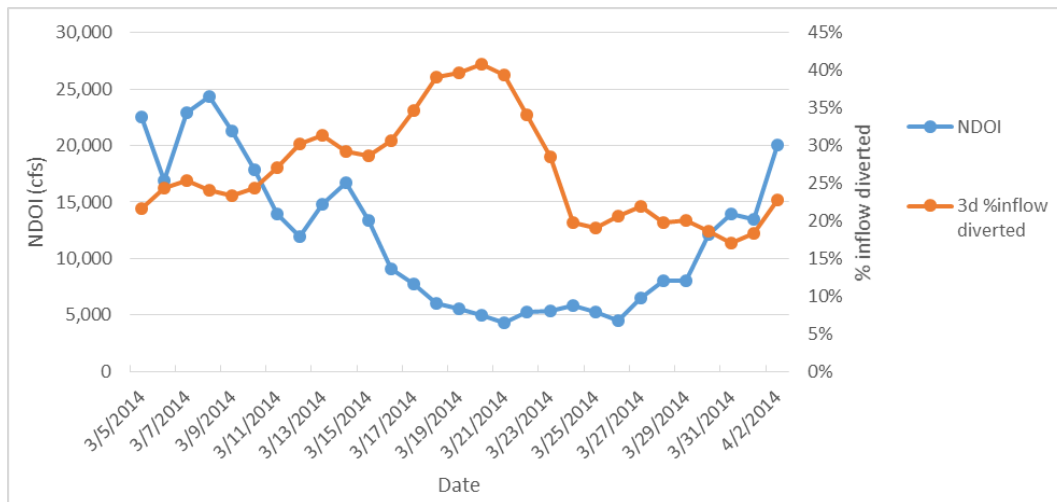
PHYSICAL CONDITIONS

- Currently controlling operations: OMR.
 - NMFS RPA IV.2.1 (San Joaquin I:E) relaxed to capture flow from recent storms, effective 4/1/2014. See http://www.westcoast.fisheries.noaa.gov/publications/Central_Valley/Water%20Operations/2014_03_31_bor_request_and_nmfs_concurrence_on_april_1_operations.pdf.
 - OMR will govern pumping levels over next few days. No more than combined 6,500 cfs pumping over next few days. In effect as long as river levels high from stormwater, expected for at least a week (from transcript of agency media call 4/1/2014 at <http://mavensnotebook.com/2014/04/02/this-just-in-state-and-federal-officials-announce-increased-delta-pumping-to-occur-to-capture-runoff-from-recent-storms/>).
- Location of X2, 4/3: 81 km (Collinsville)
- DCC status, 4/3: Closed.
- Temporary agricultural barriers: one installed at Middle River on 3/17, flap gates tied open; Old River near Tracy barrier expected completion on 4/4; Grant Line Canal barrier partial closure by 3/28.
- Turbidity (at sites in delta smelt BiOp) (not all dates have three-day means available)
 - Three-day mean Prisoners Point: 5.6 NTU on 4/2. Holding around there since 3/26.

- Three-day mean Holland Cut: Not available since 3/31. Daily value was 3.3 NTU on 4/2.
- Three-day mean Victoria Canal: Not available since 3/28. Daily value was 3.2 NTU on 4/2.
- Temperature (at sites in delta smelt BiOp)
 - Mean daily water temperature at Mossdale, Rio Vista, and Antioch: 14.9°C on 4/2.
 - Mean daily water temperature at Clifton Court Forebay: 15.5°C on 4/2.

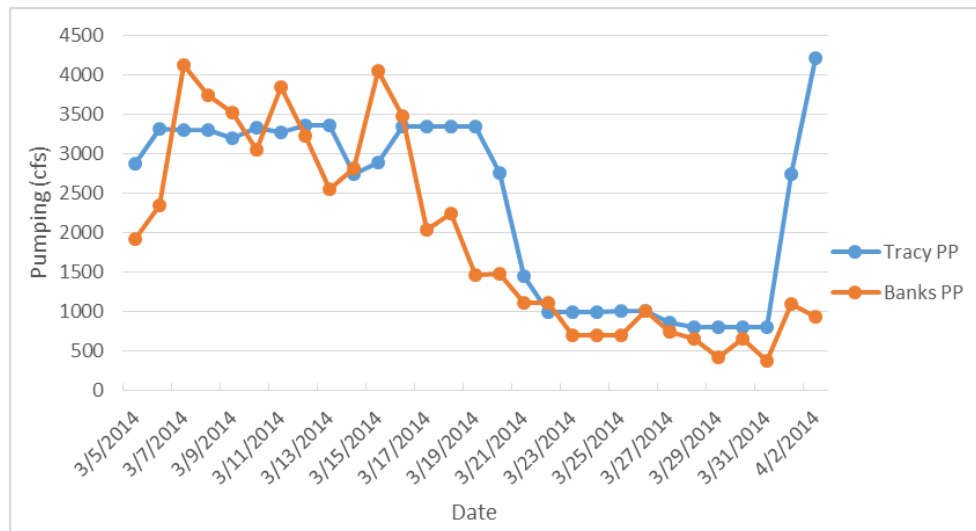


- Delta outflow index as of 4/3: ~21,600 cfs
 - The three-day average NDOI was 16,735 cfs on 4/2.
 - The standard for three-day average NDOI is $\geq 11,400$ cfs.
- Total Delta inflow as of 4/3: 21,075 cfs
 - Sacramento flow: 18,864 cfs
 - San Joaquin flow: 806 cfs
 - % inflow diverted (3-day average): 26.0%
 - Standard for % inflow diverted is 35%

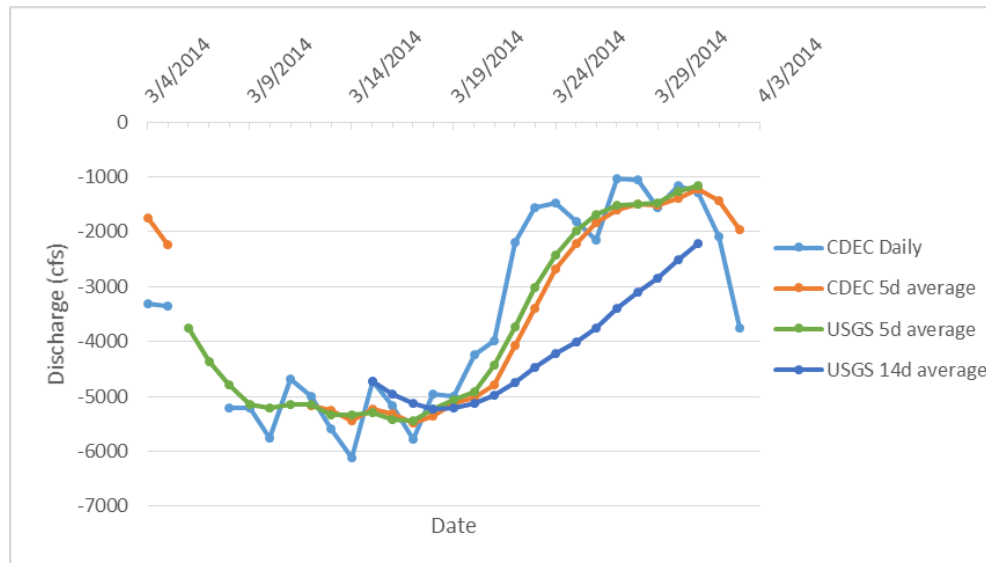


- Exports:

- 4/3 scheduled exports: 1,200 cfs Clifton Court inflow; 4,200 cfs Jones/Tracy PP.



- Tidally-filtered OMR:



REGULATORY

- Delta smelt
 - Smelt Working Group update: “The Working Group agreed given their present distribution, current salvage, and Delta conditions, there was no indication that projected exports (potentially resulting in OMR flows at approximately -4600 cfs daily average) need to be more restrictive for the protection of delta smelt adults and larvae” (meeting notes, 4/1/14).
 - Head of Old River Barrier expected closure on 4/8.

- Relevant and upcoming delta smelt actions, 2008 BiOp:

2008 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2014 information	Regulation
Action 3: Entrainment protection of larval smelt (RPA Component 2)	.	SWG may recommend earlier start to Action 3 based on daily salvage data.	(1) Water temp reaches 12°C based on three-station daily mean at Mossdale, Antioch, Rio Vista. (2) Onset of spawning (presence spent females in SKT, Banks, or Jones).	Met (1) on 2/11.	Net daily OMR flow no more negative than -1,250 to -5,000 cfs based on a 14-day running average with 5-day running average within 25% of required OMR flow. Specific flows recommended weekly by SWG, based on conditions. Guidelines discussed in BiOp.
	Offramp	.	(1) June 30 or (2) Water temp reaches daily average of 25°C for three consecutive days at Clifton Court Forebay.	Not met.	.
Action 5: Temporary spring Head of Old River Barrier (HORB) and the Temporary Barrier Project (TBP) (RPA Component 2)	.	Normally, April. Depends on conditions.	Delta smelt entrainment concern is a trigger for not installing HORB.	Installation occurring; closure expected April 8, 2014	HORB installation only allowed if PTM results show entrainment levels of DS would not increase >1% at Station 815 due to installing HORB. TBP flap gates tied open until May 15. If HORB installation not allowed, agricultural barriers installed as described in Project Description. Meant to minimize entrainment of larvae and juveniles.
	Offramp	.	(1) May 15 or (2) Action 3 ends, whichever comes first.	Not met.	.

- Longfin smelt

- Smelt Working Group update: “The Working Group also agreed that given their present distribution, existing constraining conditions were sufficient to protect longfin smelt from entrainment in the southern Delta” (meeting notes, 4/1/14).
- Barker Slough operations advice terminated as of 3/31 (calendar-based offramp met).
- Relevant and upcoming longfin smelt triggers, 2009 ITP:

2009 Longfin smelt ITP Condition	Trigger stage	Trigger month	Trigger	WY 2014 information	Regulation
5.2 (OMR flow)	.	Jan. - June	Flow advice warranted when SLS or 20mm Survey sampling period results in (1) LFS larvae or juveniles found in 8 or more of the 12 stations in the central and south Delta (stations 809, 812, 815, 901, 906, 910, 912, 914, 915, 918, 919). (2) Catch per tow > 15 LFS larvae or juveniles in 4 or more of above 12 stations.	Criterion (1) met during SLS survey #3, not #4-6.	SWG or DFG SWG personnel provides OMR flow advice to WOMT and Director weekly. OMR flow advice will be between -1,250 and -5,000 cfs and based on survey data. Likely scenarios: Jan.-Mar. (high entrainment risk)= -1,250 to -5,000 cfs; Apr. - May (medium risk)= -2,000 to -5,000 cfs; June (low risk)= -5,000 cfs. Would not trigger or would cease if Sacramento at Rio Vista > 55,000 cfs or San Joaquin at Vernalis > 8,000 cfs; retriggered at 40,000 and 5,000 cfs, respectively.

- Salmonids

- NMFS RPA IV.2.3, January 1–June 15: OMR no more negative than -5,000 cfs, unless triggers met (see trigger matrix below). No triggers met yet.
- Relevant and upcoming salmonid actions, 2009 BiOp:
 - Yellow-highlighted boxes are the relevant actions.

2009 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2014 information	Regulation
IV.1.2 (DCC gate operations)	N/A	Oct. - Nov.	Fish present (criteria based on D1641 WQ standards, Knights Landing Catch Index, and Sacramento Catch Index).		Gates closed if fish present. See 2011 amend., Encl. 2 (p. 62) for details on triggers.
		Dec. - Jan.	For Dec. 1-14, triggers based on fish presence and D1641 WQ criteria. See 2011 amendment, Encl. 2 (p. 63) for details. For Dec. 15-31, triggers based on experiment request and WQ (p. 64).		Gates closed, dependent on triggers.
		Feb. - May 20	N/A	Closed.	Gates closed per D1641.
		May 21 - June 15	N/A		Closed up to 14 days per D1641.
IV.2.1 (San Joaquin I:E ratio)	Phase II (2012 onward)	Apr. - May	Water year type	Critically dry--> Vernalis flow (cfs): CVP/SWP combined export ratio= 1:1 (minimum is health and safety levels). STANDARD RELAXED 4/1/2014.	Vernalis I:E ratio dependent on WY type. Regulations: (1) Reclamation continue to implement Goodwin flow schedule for Stanislaus River (Action III.1.3 and App. 2-E). (2) Reclamation and DWR implement Vernalis flow-to-combined export ratios based on 14d running average, given in table (2011 amend., Encl. 2, p. 70).
IV.2.2 (Six-year acoustic tag experiment)		Mar.	Calendar-based.		Release of acoustic tagged salmonids, San Joaquin. Exports operated according to action IV.2.3.
		Apr. - May	Calendar-based.		Release of acoustic tagged salmonids, San Joaquin. Exports dictated by action IV.2.1.
		June 1 - June 15	Calendar-based. Inflow:export ratio can be relaxed if daily water temp at Mossdale >72°F (22°C) for seven consecutive days.		Release of acoustic tagged salmonids, San Joaquin. Reclamation will operate to minimum 1:1 inflow:export ratio, allowing exports to vary relative to inflows from San Joaquin to evaluate flow:export ratios.
IV.2.3 (OMR flow management)	First stage	Jan. 1 - June 15	(1) Daily SWP/CVP older juvenile Chinook salmon loss density > 11.96 fish/TAF (for WY 2014)	(1) will not be controlling because higher than (2)	OMR flows limited to -5,000 cfs based on 14-day running average of tidally filtered flow, with 5-day running average ≤ 25% more negative than targeted 14-day average requirement. Reductions when any trigger criterion is met--> Average net OMR flow of -3,500 cfs for minimum 5 consecutive days. Five-day running average OMR flows ≤ 25% more negative than targeted flow level at any time during 5-day running average period (e.g., -4,375 cfs average over five days). Resumption
			(2) Daily SWP/CVP older juvenile Chinook salmon loss > 8 fish/TAF multiplied by volume exported (TAF)	Not met, as of 4/2	
			(3) CNFH CWT LFR or LSNFH CWT WR cumulative loss > 0.5% for each surrogate release group	Not met, as of 3/24	
			(4) Daily loss wild steelhead > 8 fish/TAF multiplied by volume exported (TAF)	Not met, as of 4/2	
	Second stage (high concern)	Jan. 1 - June 15	(1) Daily SWP/CVP older juvenile Chinook salmon loss density > 23.92 fish/TAF (for WY 2014)	(1) will not be controlling because higher than (2)	OMR flows limited to -5,000 cfs based on 14-day running average of tidally filtered flow, with 5-day running average ≤ 25% more negative than targeted 14-day average requirement. Reductions when any trigger criterion is met--> Average net OMR flow of -2,500 cfs for minimum 5 consecutive days. Resumption of -5,000 cfs allowed when
			(2) Daily SWP/CVP older juvenile Chinook salmon loss > 12 fish/TAF multiplied by volume exported (TAF)	Not met, as of 4/2	
			(3) Daily loss wild steelhead > 12 fish/TAF multiplied by volume exported (TAF)	Not met, as of 4/2	
	End of triggers	Jan. 1 - June 15	Action continued until June 15 or when average daily water temperature at Mossdale > 22°C (72°F) for seven consecutive days.	Not met.	Regulations lifted when trigger for end of OMR regulation is met.
IV.3 (Reduce likelihood of entrainment or salvage at export facilities)	"Third alert"	Jan. - Apr.	Catch index > 10 fish/d (Nov. - Feb.) or > 15 fish/d (Mar. - Apr.) from either Knights Landing or Sacramento Catch Index.		In conjunction with two DCC-closure triggers (IV.1.1), this alert signals that export operations might need to change in near future due to large numbers juvenile Chinook migrating into upper Delta. Implement Action IV.2.3 (restrict OMR flows rather than having set levels of exporting).

From: Bernhardt, David L.
Sent: Sunday, April 6, 2014 11:21 AM
To: Jason Peltier
Subject: Re: SLDMWA Delta Conditions Report

Thanks this is very helpful. Please add me to list.

David Bernhardt

On Apr 6, 2014, at 2:08 PM, "Jason Peltier" <jpeltier@westlandswater.org> wrote:

> Please let me know if you would like receive this weekly report and Ara will put you on his distribution list. It may contain too much detail as it gets into the monitoring weeds etc.
>
> From: Ara Azhderian [<mailto:ara.azhderian@sldmwa.org>]
> Sent: Sunday, April 06, 2014 9:52 AM
> To: Ara Azhderian
> Subject: SLDMWA Delta Conditions Report
>
> Good day,
>
> Attached is the April 3, 2014, SLDMWA Delta Conditions Report. Please do not hesitate to contact me if you should have any questions for suggestions to improve the report.
>
> Best,
> ara
> <SLDMWA Delta Conditions Report - 04-03-14.docx>

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From: Ara Azhderian

Sent: Tuesday, April 8, 2014 2:04 PM

To: Dan Nelson; Dave Reynolds; David Bernhardt; DCardoza@foley.com; Jason Peltier;
joe.findaro@akerman.com

Subject: FW: Questions for Mr. Ashe

In addition to the questions I sent to Scott for Mr. Connor, I sent these questions to Chris for Mr. Ashe. weeeeeeeee.

ara

From: Ara Azhderian

Sent: Tuesday, April 08, 2014 11:44 AM

To: Marklund, Chris

Subject: Questions for Mr. Ashe

Hello Chris,

I hope the day is treating you well. Below are follow-up questions to consider for Mr. Ashe. I apologize for not being able to get them to you yesterday.

Best,

ara

Mr. Ashe:

In your testimony last week, you stated that pumping by the federal Central Valley Project and State Water Project is the greatest stressor of Delta smelt. However, in its submittal to the State Water Resources Control Board's 2012 Science Workshop 1, the USFWS made the following statement:

- Page 14: "[C]urrently published analyses of long-term associations between delta smelt salvage and subsequent abundance do not support the hypothesis that entrainment is driving population dynamics year in and year out (Bennett 2005; Manly and Chotkowski 2006; Kimmerer 2008; Maunder and Deriso 2011)."

Upon what information do you base the statement from your testimony?

If the USFWS recognizes that a number of published analyses have failed to find an association between salvage and of Delta smelt abundance, upon what information is your agency basing its requirements to restrict Projects' pumping?

Section 4 of the Endangered Species Act requires your agency to prepare species recovery plans unless you find a recovery plan will not promote the recovery of the species. In 1996, the USFWS published the recovery plan for Delta smelt, which the USFWS acknowledges is outdated. Does the USFWS now believe a recovery plan will not promote the recovery of Delta smelt? If not, why hasn't your agency updated the Delta smelt recovery plan in nearly 20 years?

Section 4 also requires you to report to the Senate Committee on Environment and Public Works and the House Committee on Merchant Marine and Fisheries on the status of efforts to develop and implement recovery plans every two years. Please provide us with every report the USFWS has submitted to these Committees describing the implementation of the Delta smelt recovery plan.

An array of independent science panel reports issued over a span of years have identified a number of stressors adversely impacting the abundance of Delta smelt. Please describe all actions taken by your agency to address these other stressors. Also, please provide a listing of all permits and/or biological opinions issued by the USFWS relative to activities that may adversely affect Delta smelt or its habitat.

Subject: FW: State and federal agency briefing on Drought Operations Plan

Location: 888-701-8940, passcode: DROUGHT

Start: 4/9/2014 12:00 PM

End: 4/9/2014 1:00 PM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Wade Crowfoot

Required Attendees: Berliner, Thomas M.; Brent Walthall; ccidwhite@sbcglobal.net; Chris White; Chedester, Steve (stevechedester@sjrecwa.net); Cindy Kao; Curtis Creel; Dan Nelson; Dan O'Hanlon; Dave Reynolds; David Bernhardt; DCardoza@foley.com; DRathmann@aol.com; Duerig, Jill; Frances Mizuno; Greg Zlotnick; Jason Peltier; jbuckman@friantwater.org; Joe DelBosque (Office); Joan Maher (Office); Joe Raeder; joe.findaro@akerman.com; Jon Rubin; Jose Gutierrez; Holly Long; Mike Henry; Mike Wade; Philip A. Williams; Ric Ortega; Roger Patterson; Ron Jacobsma; Sheila Greene; Stefanie Morris; 'Stephen H. Ottemoeller'; Steve Arakawa; Steve Chedester; Steven Chedester; Terry Erlewine; Tom Birmingham (Office); Tom Boardman

Resources: 888-701-8940, passcode: DROUGHT

Hi everyone,

I know some folks weren't on the original distribution and some are... rather than sort through it, I'm just resending to you so sorry if this is duplicative. Please pass along as you see fit...

best,
ara

From: Wade Crowfoot [Wade.Crowfoot@gov.ca.gov]

Sent: Tuesday, April 08, 2014 5:45 PM

Required: Wade Crowfoot; 'alene_thomas@fws.gov'; 'chris.marklund@mail.house.gov'; 'cwhite@ccidwater.org'; Elizabeth Norvell; 'dlessard@usbr.gov'; 'dmmonoey@usbr.gov'; 'dmurillo@usbr.gov'; 'eamini@usbr.gov'; 'ekiteck@usbr.gov'; 'fbarajas@usbr.gov'; 'ian.lemay@mail.house.gov'; 'james_peterson@feinstein.senate.gov'; 'jrieker@usbr.gov'; 'jbrown@ccwater.com'; 'jmulligan@roseville.ca.us'; 'jwhite@sjrecwa.net'; 'kcavin@usbr.gov'; 'kaylee.allen@sol.doi.gov'; 'lorloff@ccwater.com'; 'mgidding@usbr.gov'; 'mjackson@usbr.gov'; 'sottemoeller@friantwater.org'; 'parroyave@usbr.gov'; 'pfujitani@usbr.gov'; 'rmilligan@usbr.gov'; 'ren_lohofener@fws.gov'; 'rjacobsma@friantwater.org'; 'sfry@usbr.gov'; 'slorance@sjwd.org'; 'stevechedester@sjrecwa.net'; 'tbettner@gcid.net'; 'trosin@ccidwater.org'; 'will.stelle@noaa.gov'; Ara Azhderian; 'bryant_jeff@sbcglobal.net'; 'churley@hmr.d.net'; 'damon.nelson@mail.house.gov'; Dan Nelson; 'ekriz@roseville.ca.us'; 'elizabeth.crow@mail.house.gov'; 'exsec@ios.doi.gov'; 'felicia.marcus@waterboards.ca.gov'; 'felix_yeung@feinstein.senate.gov'; 'fmarcus@waterboards.ca.gov'; Frances Mizuno; 'janiene.friend@water.ca.gov'; 'jason.larrabee@mail.house.gov'; 'jbuckman@friantwater.org'; 'jmaher@valleywater.org'; 'john_watts@feinstein.senate.gov'; 'johnleahigh@water.ca.gov'; 'jrubin@diepenbrock.com'; 'jsutton@tccanal.com'; 'justin.prosser@mail.house.gov'; 'Nemeth, Karla@CNRA'; 'kobrien@downeybrand.com'; 'kristin.thomson@mail.house.gov'; 'laura.k.moon@water.ca.gov'; 'mike.honda@mail.house.gov'; 'mrognoli@ebmud.com'; 'paul.helliker@water.ca.gov'; 'pminasian@minasianlaw.com'; 'qhaynes@doc.gov'; 'rcole@ebmud.com'; 'rghccc@sbcglobal.net'; 'rpatterson@mw.dh2o.com'; 'sarajawa@mw.dh2o.com'; 'scott.petterson@mail.house.gov'; 'smorris@swc.org'; 'steinerd@ix.netcom.com'; 'terlewine@swc.org'; 'thoward@waterboards.ca.gov'; 'tmberliner@duanemorris.com'; Gordon.Burns@calepa.ca.gov; 'tom.howard@waterboards.ca.gov'; 'tom_bohigian@boxer.senate.gov'; 'jshields@ssjid.com'; 'kkauffman@sewd.net'; 'srknell@oakdaleirrigation.com'; Karen Ross(kb.r@cdfa.ca.gov); Janelle Beland (janelle.beland@resources.ca.gov); Bonham, Chuck@Wildlife (Chuck.Bonham@wildlife.ca.gov); Jon Rubin; 'Marc.VanCamp'; 'Dadamo, Dorene@Waterboards'; Daniel Powell; James Lynch; 'DGuy@norcalwater.org'; 'Esquivel, Joaquin (Boxer)'; 'Petersen, Scott'; 'Tate, Carol@Cdfa'; 'Steve.Knell'; 'Dominic.DiMare'; 'Tognolini, Michael'; 'Winn,Rochelle R'; 'Arakawa,Stephen N'; 'SHANA.KAPLAN'; 'Todd.Manley'; 'Jose.Gutierrez'; 'Eric.R.Quinley'

Subject: State and federal agency briefing on Drought Operations Plan

When: Wednesday, April 09, 2014 12:00 PM-1:00 PM.

Where: 888-701-8940, passcode: DROUGHT

Colleagues,

Please join us for this briefing on the Drought Operations Plan that has been discussed on recent conference calls.

As we transition into the coming dry months, this plan is intended to be a multi-stage, collaborative effort to manage scarce water resources through 2014 and into 2015. The plan has been developed by the California Department of Water Resources and the U.S. Bureau of Reclamation in coordination with the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Water Resources Control Board. As we have discussed, the plan will be updated periodically as agencies receive updated hydrological information.

Information on the plan will also be available tomorrow on the state's drought information clearinghouse, www.drought.ca.gov <<http://www.drought.ca.gov>>.

We hope you can join us for this call.

Note: This call will be an "operator assisted" call to facilitate the large number of callers that we are expecting to join. Agency leaders will first share information about the plan and then we'll open the conversation up for questions.

Best,
Wade

Wade Crowfoot
Deputy Cabinet Secretary & Senior Advisor
Office of California Governor Edmund G. Brown Jr.
wade.crowfoot@gov.ca.gov <<mailto:wade.crowfoot@gov.ca.gov>>
(o) 916-322-5326 (c) 415-702-5212

From: Ara Azhderian

Sent: Tuesday, April 8, 2014 8:46 PM

To: Berliner, Thomas M.; Brent Walthall; Chedester, Steve (stevechedester@sjrecwa.net); Chris White; Cindy Kao; Dan Nelson; Curtis Creel; Frances Mizuno; Jason Peltier; jbuckman@friantwater.org; Joan Maher (Office); Ron Jacobsma; 'Stephen H. Ottemoeller'; Terry Erlewine; Tom Birmingham (Office)

CC: Dave Reynolds; David Bernhardt; DCardoza@foley.com; Joe Raeder; joe.findaro@akerman.com; Jon Rubin; Mike Wade; Philip A. Williams; Stefanie Morris; Tom Boardman

Subject: FW: Email from Ara Azhderian (San Luis and Delta-Mendota Water Authority)

Hi all,

I thought Wade sent this to everyone on Friday's call but Steve pointed out he didn't so here's the e-mail we discussed yesterday morning. Share as you see fit...

Best,
ara

From: Wade Crowfoot [Wade.Crowfoot@gov.ca.gov]

Sent: Monday, April 07, 2014 10:46 AM

To: Mark.Cowin@water.ca.gov; laura.k.moon@water.ca.gov; 'Nemeth, Karla@CNRA' (karla.nemeth@resources.ca.gov); Janelle Beland (janelle.beland@resources.ca.gov); Bonham, Chuck@Wildlife (Chuck.Bonham@wildlife.ca.gov); Felicia Marcus (Felicia.Marcus@waterboards.ca.gov); 'Howard, Tom'; Burns, Gordon@EPA (Gordon.Burns@calepa.ca.gov); Murillo, D@USBR (dmurillo@usbr.gov); PABLO ARROYAVE (parroyave@usbr.gov); 'Ren_Lohofener@fws.gov'; Dan Castleberry (Dan_Castleberry@fws.gov); Rea, Maria@NOAA (Maria.Rea@noaa.gov); Will Stelle - NOAA Federal <will.stelle@noaa.gov> (will.stelle@noaa.gov) (will.stelle@noaa.gov)

Cc: Ara Azhderian; Susan Mussett

Subject: Email from Ara Azhderian (San Luis and Delta-Mendota Water Authority)

Colleagues,

Ara Azhderian of the San Luis and Delta-Mendota Water Authority asked that I distribute to you his email below.

Wade

Wade Crowfoot

Deputy Cabinet Secretary & Senior Advisor

Office of California Governor Edmund G. Brown Jr.

wade.crowfoot@gov.ca.gov

(o) 916-322-5326 (c) 415-702-5212

From: Susan Mussett [<mailto:susan.mussett@sldmwa.org>]

Sent: Monday, April 07, 2014 10:17 AM

To: Wade Crowfoot

Cc: Ara Azhderian

Subject:

Importance: High

Good morning, Wade. We would like to distribute this to everyone that participated on Friday's call. Can you please do that?

Thank you.

Ara Azhderian

Good morning,

Following up on Friday's conference call, a large number of California's public water agencies (PWAs) remain critically concerned about the closed process State and federal agencies have and are employing to develop actions intended to address the ongoing drought crisis. PWAs have vast and unique expertise and knowledge that should be drawn upon. PWAs are also the agencies ultimately accountable to the millions of Californians being impacted; we are the ones responsible for explaining why water supplies

have been curtailed, why rates are rising, and what is being done to address this disaster. No other entities involved in the drought management effort hold such a position. For these reasons, we are compelled to express the following concerns, which are based upon limited knowledge of State and federal plans to operate the Central Valley Project and State Water Project (Projects) from now through November 2014 (Ops Plan). The urgency of these recommendations could not be higher.

WATER TRANSFERS:

PWAs first expressed the need to expand the BiOps constrained transfer window to include Apr – June to the 5 Agencies (USBR, DWR, USFWS, USNMFS, DFW) back in February. The recommendation of the USFWS and USNMFS was to propose individual transfers as soon as they are known as opposed to pursuing a wholesale expansion of the BiOps limitation. The San Luis & Delta-Mendota Water Authority (SLDMWA) presented information on two transfers in the first week of March and requested initiation of an approval process. Reclamation cautioned that approval would be contingent upon finalizing the Ops Plan, which was then expected by mid to late March, and recommended that transfers be incorporated into it. SLDMWA agreed. In early April, it was reported transfers have not been incorporated into the Ops Plan. They have not even been considered. Furthermore, based upon reports of operational constraints being discussed, it seems probable that transfer water will be lost.

Most PWAs have a 0% water supply allocation. One of the few tools available to them, and the only tool for many, is to purchase water for transfer from North of Delta. While discussions among transferors and transferees have been going on for months, final decisions have been on hold pending completion of the Ops Plan. Time is running out. Rice is typically the crop that provides for transfer water and therefore almost 40% of the potential volume is only available in the April-June period.

PWAs have been working to purchase North of Delta water to be made available through crop idling and groundwater substitution. Current discussions are there could be up to 100,000 AF of water available depending on the ultimate water supply allocations to the Sacramento River and Feather River Settlement Contractors. The SLDMWA has been working to finalizing a NEPA/CEQA document for the proposed water transfer program. The transfer water will be made available based on the irrigation use pattern of the crop being idled or where groundwater is being substituted for surface water application. The BiOps only allow transfer water to be pumped by the Projects between July and September. In order for the April-June water to be captured for transfers, either of two operational scenarios is necessary:

1. Projects pumping be allowed in the Apr – June timeframe to capture transfer water; or
2. Transfer water is "backed-up" into the Projects' upstream storage for release in the July-September period.

The success of water transfers to help mitigate the drought disaster is thoroughly dependent on the Ops Plan. Therefore, it is imperative that the Projects immediately incorporate proposed transfers into the Ops Plan and resultant requests to the SWRCB and the fishery agencies for the necessary rebalancing of regulatory objectives.

PROJECTS PUMPING POTENTIAL:

Since early February, California's water supply situation has meaningfully improved in the Projects' northern California reservoirs due to the passing of three storm systems. However, south of the Delta, where the situation is most dire and where the extraordinary State and federal management effort has been focused, the improvement has been far less pronounced, with only 410,000 acre-feet of water captured by the Projects while 1,389,000 acre-feet has flowed into the Pacific Ocean. The result has been absolutely no change to the most vital metric for millions of Californians, their water supply allocation.

In mid-March, the SLDMWA presented Reclamation a package proposal to address anticipated pumping constraints in the Apr-May timeframe. The package included proposals to improve regulatory processing, streamline pumping regulatory constraints, improve equity in the allocation of water between outflow and storage or use, increase monitoring, implement alternative actions to address fisheries protection concerns, and off-ramps. The PWAs current understanding is that none of these proposals have been incorporated into the Ops Plan. On the contrary, it appears that much of the vital Apr-May timeframe will be operated under the existing regulatory regime: require minimum pumping of 1,500 cubic feet per second through the "pulse flow" period mid-April thru mid-May. Setting the apparent insensitivity to the current drought crisis aside, the proposal to require minimum pumping isn't supported by the science. In its 2009 BiOp, NMFS states:

- "CDFG could not find a statistically significant role for exports compared to the influence of the spring time flows" 2009 NMFS BiOp, Appendix 5, Page 8;
- "[a] statistically significant relationship between exports and survival could not be found [in VAMP data]" 2009 NMFS BiOp, Appendix 5, Page 9;
- "[exports] have been perceived [emphasis added] as an adverse environmental factor affecting movement and survival of salmonids", but, "[CDFG (2005) and Newman (2008)] did not find statistical significance in these differences, both studies indicated that there were potential effects that were confounded by the high variability in the data, and the narrow range of exports tested. In comparison to the flow variable, exports appear to have a minor role in survival and escapement." 2009 NMFS BiOp, Appendix 5,

- “[t]here was little evidence for any association between export and survival [in the San Joaquin River basin], and what evidence there was pointed towards a somewhat positive association with exports.” Newman 2008.

Given that the best available monitoring data to date demonstrates a lack of direct effect on listed species in 2014, given the best available scientific analyses of the effects of the pumping on fish survival and escapement on the San Joaquin River, given the availability of alternative management actions, given the lack of specific or quantitative information regarding indirect effects, and given the magnitude of known human harms in the balance, it is inexplicable how the current Ops Plan could propose so little change in the Apr-May regulatory requirements.

In addition to the lack of scientific support, improvements in the Projects’ northern California storage provide the water supply necessary to support allocation increases beyond those first forecasted and yet unchanged since February. Shasta, Oroville and Folsom levels are all considerably better, and coupled with a more balanced pumping regime throughout the summer, could provide for significant improvements in south of Delta water supply.

CONCLUSION:

Public water agencies understand the enormous efforts of a number of State and federal employees to address California’s drought crisis. Our staff has been working equally hard. The concerns expressed here in no way diminish our appreciation of these efforts; rather, we are focused on results. Despite the extraordinary work aimed at ameliorating the drought crisis, over 3,000,000 acres of the nation’s most vital agricultural land remains without a water supply, as do 25,000,000 Californian’s also dependent upon water delivered by the State and federal Projects. A fact unchanged over the last 60 days. A fact unchanged despite meaningful improvement in the Projects’ northern California water supply. A fact unchanged despite agreement among the 5 Agencies and PWAs that direct adverse effects to listed fish have been nominal this year. Rather, what appears to stand in the way of improvement are unsubstantiated claims of indirect adverse effects, which remain unquantified and unsubstantiated. And for this uncertainty, billions of dollars of property and economic opportunity is being lost. Jobs, farms, and businesses are being sacrificed. Too many families and communities are now experiencing a humanitarian crisis unprecedented in California history. We must do better.

From: Ara Azhderian

Sent: Wednesday, April 9, 2014 9:13 AM

To: Wade Crowfoot; Berliner, Thomas M.; Brent Walthall; ccidwhite@sbcglobal.net; Chris White; Chedester, Steve (stevechedester@sjrecwa.net); Cindy Kao; Curtis Creel; Dan Nelson; Dan O'Hanlon; Dave Reynolds; David Bernhardt; DCardoza@foley.com; DRathmann@aol.com; Duerig, Jill; Frances Mizuno; Greg Zlotnick; Jason Peltier; jbuckman@friantwater.org; Joe DelBosque (Office); Joan Maher (Office); Joe Raeder; joe.findaro@akerman.com; Jon Rubin; Jose Gutierrez; Holly Long; Mike Henry; Mike Wade; Philip A. Williams; Ric Ortega; Roger Patterson; Ron Jacobsma; Sheila Greene; Stefanie Morris; 'Stephen H. Ottemoeller'; Steve Arakawa; Steve Chedester; Steven Chedester; Terry Erlewine; Tom Birmingham (Office); Tom Boardman; 'alene_thomas@fws.gov'; 'chris.marklund@mail.house.gov'; Elizabeth Norvell; 'dlessard@usbr.gov'; 'dmmooney@usbr.gov'; 'dmurillo@usbr.gov'; 'eamini@usbr.gov'; 'ekiteck@usbr.gov'; 'fbarajas@usbr.gov'; 'ian.lemay@mail.house.gov'; 'james_peterson@feinstein.senate.gov'; 'jrieker@usbr.gov'; 'jbrown@ccwater.com'; 'jmulligan@roseville.ca.us'; 'jwhite@sjrecwa.net'; 'kcavin@usbr.gov'; 'kaylee.allen@sol.doi.gov'; 'lorloff@ccwater.com'; 'mgidding@usbr.gov'; 'mjackson@usbr.gov'; 'parroyave@usbr.gov'; 'pfujitani@usbr.gov'; 'rmilligan@usbr.gov'; 'ren_lohofener@fws.gov'; 'sfry@usbr.gov'; 'slorance@sjwd.org'; 'tbettner@gcid.net'; 'trosin@ccidwater.org'; 'will.stelle@noaa.gov'; 'bryant_jeff@sbcglobal.net'; 'churley@hmr.d.net'; 'damon.nelson@mail.house.gov'; 'ekriz@roseville.ca.us'; 'elizabeth.crow@mail.house.gov'; 'exsec@ios.doi.gov'; 'felicia.marcus@waterboards.ca.gov'; 'felix_yeung@feinstein.senate.gov'; 'fmarcus@waterboards.ca.gov'; 'janiene.friend@water.ca.gov'; 'jason.larrabee@mail.house.gov'; 'john_watts@feinstein.senate.gov'; 'johnleahigh@water.ca.gov'; 'jrubin@diepenbrock.com'; 'jsutton@tccanal.com'; 'justin.prosser@mail.house.gov'; 'Nemeth, Karla@CNRA'; 'kobrien@downeybrand.com'; 'kristin.thomson@mail.house.gov'; 'laura.k.moon@water.ca.gov'; 'mike.honda@mail.house.gov'; 'mrognoli@ebmud.com'; 'paul.helliker@water.ca.gov'; 'pminasian@minasianlaw.com'; 'qhaynes@doc.gov'; 'rcole@ebmud.com'; 'rghccc@sbcglobal.net'; 'sarajawa@mwdh2o.com'; 'scott.petterson@mail.house.gov'; 'steinerd@ix.netcom.com'; 'thoward@waterboards.ca.gov'; Gordon.Burns@calepa.ca.gov; 'tom.howard@waterboards.ca.gov'; 'tom_bohigian@boxer.senate.gov'; 'jshields@ssjid.com'; 'kkauffman@sewd.net'; 'srknell@oakdaleirrigation.com'; Karen Ross (kb.r@cdfa.ca.gov); Janelle Beland (janelle.beland@resources.ca.gov); Bonham, Chuck@Wildlife (Chuck.Bonham@wildlife.ca.gov); 'Marc VanCamp'; 'Dadamo, Dorene@Waterboards'; Daniel Powell; James Lynch; 'DGuy@norcalwater.org'; 'Esquivel, Joaquin (Boxer)'; 'Petersen, Scott'; 'Tate, Carol@Cdfa'; 'Steve Knell'; 'Dominic DiMare'; 'Tognolini, Michael'; 'Winn,Rochelle R'; 'SHANA KAPLAN'; 'Todd Manley'; 'Eric R. Quinley'

Subject: RE: State and federal agency briefing on Drought Operations Plan

For those of you that may not have seen the following... apologies for duplication.

Good morning Ara,

The Drought Operations Plan will be posted to our state drought website, www.drought.ca.gov at 10:30AM PT this morning. I'll send an email to all of the briefing participants once the document is posted to let folks know this so that they can review the Plan in advance of the call if they are so inclined.

Thanks,
Wade

Wade Crowfoot

Deputy Cabinet Secretary & Senior Advisor Office of California Governor Edmund G. Brown Jr.

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(o) 916-322-5326 (c) 415-702-5212

-----Original Appointment-----

From: Ara Azhderian **On Behalf Of** Wade Crowfoot

Sent: Tuesday, April 08, 2014 8:39 PM

To: Berliner, Thomas M.; Brent Walthall; ccidwhite@sbcglobal.net; Chris White; Chedester, Steve (stevechedester@sjrecwa.net); Cindy Kao; Curtis Creel; Dan Nelson (Office); Dan O'Hanlon; Dave Reynolds; David Bernhardt; DCardoza@foley.com; DRathmann@aol.com; Duerig, Jill; Frances Mizuno; Greg Zlotnick; Jason Peltier; jbuckman@friantwater.org; Joe DelBosque (Office); Joan Maher (Office); Joe Raeder; joe.findaro@akerman.com; Jon Rubin (Work); Jose Gutierrez; Holly Long; Mike Henry; Mike Wade; Philip A. Williams; Ric Ortega; Roger Patterson; Ron Jacobsma; Sheila Greene; Stefanie Morris; 'Stephen H. Ottemoeller'; Steve Arakawa; Steve Chedester; Steven Chedester; Terry Erlewine; Tom Birmingham (Office); Tom Boardman

Subject: FW: State and federal agency briefing on Drought Operations Plan

When: Wednesday, April 09, 2014 12:00 PM-1:00 PM (UTC-08:00) Pacific Time (US & Canada).

Where: 888-701-8940, passcode: DROUGHT

Hi everyone,

I know some folks weren't on the original distribution and some are... rather than sort through it, I'm just resending to you so sorry if this is duplicative. Please pass along as you see fit...

best,

ara

From: Wade Crowfoot [Wade.Crowfoot@gov.ca.gov]

Sent: Tuesday, April 08, 2014 5:45 PM

Required: Wade Crowfoot; 'alene_thomas@fws.gov'; 'chris.marklund@mail.house.gov'; 'cwhite@ccidwater.org'; Elizabeth Norvell; 'dlessard@usbr.gov'; 'dmmonooney@usbr.gov'; 'dmurillo@usbr.gov'; 'eamini@usbr.gov'; 'ekiteck@usbr.gov'; 'fbarajas@usbr.gov'; 'ian.lemay@mail.house.gov'; 'james_peterson@feinstein.senate.gov'; 'jrieker@usbr.gov'; 'jbrown@ccwater.com'; 'jmulligan@roseville.ca.us'; 'jwhite@sjrecwa.net'; 'kcavin@usbr.gov'; 'kaylee.allen@sol.doi.gov'; 'lorloff@ccwater.com'; 'mgidding@usbr.gov'; 'mjackson@usbr.gov'; 'sottemoeller@friantwater.org'; 'parroyave@usbr.gov'; 'pfujitani@usbr.gov'; 'rmilligan@usbr.gov'; 'ren_lohoefener@fws.gov'; 'rjacobsma@friantwater.org'; 'sfry@usbr.gov'; 'slorance@sjwd.org'; 'stevechedester@sjrecwa.net'; 'tbettner@gcid.net'; 'trosin@ccidwater.org'; 'will.stelle@noaa.gov'; Ara Azhderian; 'bryant_jeff@sbcglobal.net'; 'churley@hmrld.net'; 'damon.nelson@mail.house.gov'; Dan Nelson; 'ekriz@roseville.ca.us'; 'elizabeth.crow@mail.house.gov'; 'exec@ios.doi.gov'; 'felicia.marcus@waterboards.ca.gov'; 'felix_yeung@feinstein.senate.gov'; 'fmarcus@waterboards.ca.gov'; Frances Mizuno; 'janiene.friend@water.ca.gov'; 'jason.larrabee@mail.house.gov'; 'jbuckman@friantwater.org'; 'jmaher@valleywater.org'; 'john_watts@feinstein.senate.gov'; 'johnleahigh@water.ca.gov'; 'jrubin@diepenbrock.com'; 'jsutton@tccanal.com'; 'justin.prosser@mail.house.gov'; 'Nemeth, Karla@CNRA'; 'kobrien@downeybrand.com'; 'kristin.thomson@mail.house.gov'; 'laura.k.moon@water.ca.gov'; 'mike.honda@mail.house.gov'; 'mrognoli@ebmud.com'; 'paul.helliker@water.ca.gov'; 'pminasian@minasianlaw.com'; 'qhaynes@doc.gov'; 'rcole@ebmud.com'; 'rghccc@sbcglobal.net'; 'rpatterson@mw2dh2o.com'; 'sarajawa@mw2dh2o.com'; 'scott.petterson@mail.house.gov'; 'smorris@swc.org'; 'steinerd@ix.netcom.com'; 'terlewine@swc.org'; 'thoward@waterboards.ca.gov'; 'tmberliner@duanemorris.com'; Gordon.Burns@calepa.ca.gov; 'tom.howard@waterboards.ca.gov'; 'tom_bohigian@boxer.senate.gov'; 'jshields@ssjid.com'; 'kkauffman@sewd.net'; 'srknell@oakdaleirrigation.com'; Karen Ross (kb.r@cdfa.ca.gov); Janelle Beland (janelle.beland@resources.ca.gov); Bonham, Chuck@Wildlife (Chuck.Bonham@wildlife.ca.gov); Jon Rubin; 'Marc VanCamp'; 'Dadamo, Dorene@Waterboards'; Daniel Powell; James Lynch; 'DGuy@norcalwater.org'; 'Esquivel, Joaquin (Boxer)'; 'Petersen, Scott'; 'Tate, Carol@CDFA'; 'Steve Knell'; 'Dominic DiMare'; 'Tognolini, Michael'; 'Winn,Rochelle R'; 'Arakawa,Stephen N'; 'SHANA KAPLAN'; 'Todd Manley'; 'Jose Gutierrez'; 'Eric R. Quinley'

Subject: State and federal agency briefing on Drought Operations Plan

When: Wednesday, April 09, 2014 12:00 PM-1:00 PM.

Where: 888-701-8940, passcode: DROUGHT

Colleagues,

Please join us for this briefing on the Drought Operations Plan that has been discussed on recent conference calls.

As we transition into the coming dry months, this plan is intended to be a multi-stage, collaborative effort to manage scarce water resources through 2014 and into 2015. The plan has been developed by the California Department of Water Resources and the U.S. Bureau of Reclamation in coordination with the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Water Resources Control Board. As we have discussed, the plan will be updated periodically as agencies receive updated hydrological information.

Information on the plan will also be available tomorrow on the state's drought information clearinghouse, www.drought.ca.gov<<http://www.drought.ca.gov>>.

We hope you can join us for this call.

Note: This call will be an "operator assisted" call to facilitate the large number of callers that we are expecting to join. Agency leaders will first share information about the plan and then we'll open the conversation up for questions.

Best,
Wade

Wade Crowfoot
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From: Jason Peltier

Sent: Monday, April 14, 2014 9:57 AM

To: 'Daniel Nelson'; bgoldie@valleywater.org; 'Jill Duerig'; TBirmingham@Westlandswater.org; 'Peltier Jason'; 'Susan Ramos'; jbeck@kcwa.com; 'Brent Walthall'; jkightlinger@mwdh2o.com; 'Burman,Brenda W'; 'David L. Bernhardt'; 'Bill Phillamore'; 'Patterson,Roger K'

Subject: Extracted Federal Funding information from BDCP Chapter 8

Attachments: Public Draft BDCP Chapter 08 - Implementation Costs and Funding Sources.pdf

Chapter 8 attached. Key pages pasted below, starting with page 8-99.

8.3.6 Federal Funding Sources

17 Potential federal funding sources are divided into four categories. First, existing federal 18 appropriations relevant to BDCP are expected to continue in amounts and for durations described 19 below. Second, new federal appropriations would be needed to support BDCP. Third, several federal 20 grant programs are expected to provide funding to support BDCP actions. Finally, other federal 21 funding sources are described.

22 8.3.6.1 Existing Federal Authorizations

23 There are two existing federal authorizations that could be used to fund BDCP, the Central Valley 24 Project Improvement Act Restoration Fund and the CALFED Bay-Delta Authorization Act, which 25 provides the authority for California Bay-Delta Restoration appropriations. Each of these authorities 26 and their expected federal appropriations are discussed below.

27 8.3.6.1.1 Central Valley Project Improvement Act Restoration Fund

28 The Central Valley Project Improvement Act (CVPIA) Restoration Fund was authorized in the 29 Reclamation Projects Authorization and Adjustments Act of 1992 (Title XXXIV of Public Law 10230 575; October 30, 1992). The fund was established to contribute to the implementation of the CVPIA, 31 which directs the following purposes.

32 ☉ Protect, restore, and enhance fish, wildlife, and associated habitats in the Central Valley and 33 Trinity River Basins.

34 ☉ Address impacts of the CVP on fish, wildlife, and associated habitats.

35 ☉ Increase the water-related benefits provided by the CVP to the state of California through 36 expanded use of voluntary water transfers and improved water conservation.

37 ☉ Contribute to the state's efforts to protect the San Francisco Bay and Sacramento–San Joaquin 38 Delta estuary.

39 ☉ Achieve a reasonable balance among competing demands for use of CVP water.

1 ☉ Improve the operational flexibility of the CVP.

2 The CVPIA Restoration Fund's primary source of revenue is from annual mitigation and restoration 3 payments made by CVP water service and power contractors. In addition to these payments, the 4 CVPIA also establishes specific nondiscretionary charges such as the Friant Division surcharge, 5 charges on water transfers to non-CVP municipal and industrial users, and incremental revenue 6 from tiered water rates. Rates and charges are established with the goal of collecting an aggregate 7 \$50 million per year at 1992 price levels into the restoration fund, based on a 3-year rolling average. 8 Of this amount, up to \$30 million per year (at 1992 price levels) is collected from mitigation and 9 restoration payments made by CVP water service and power contractors. Through federal fiscal year

10 2010, CVP water and power users have contributed more than \$600 million in mitigation and 11 restoration payments to the restoration fund. CVPIA provides that the amount paid to the 12 restoration fund by water and power contractors will, “to the greatest degree practicable,” be 13 assessed on a 10-year average basis in proportion to the project repayment obligations allocated to 14 water and power purposes.

15 The CVPIA establishes limitations on the amount of federal funds that may be spent on specific 16 activities. For activities that support the development and implementation of programs to mitigate 17 fishery impacts associated with operations of Jones Pumping Plant, costs are reimbursed according 18 to the following statutory formula.

19 ☉ 37.5% reimbursed as main project (CVP) feature

20 ☉ 37.5% considered a nonreimbursable federal expenditure

21 ☉ 25% paid by the State of California

22 The reimbursable share of funding is allocated among CVP project water and power users according 23 to existing procedures. For activities that support the development and implementation of measures 24 to avoid losses of juvenile anadromous fish resulting from unscreened or inadequately screened 25 diversions on the Sacramento and San Joaquin Rivers, their tributaries, the Sacramento–San Joaquin 26 Delta, and Suisun Marsh, costs allocated to Reclamation cannot exceed 50% of the total cost of any 27 such activity. Examples of such projects include construction of screens on unscreened diversions, 28 rehabilitation of existing screens, replacement of existing nonfunctioning screens, and relocation of 29 diversions to less fishery-sensitive areas. For federal fiscal year 2012, the Consolidated 30 Appropriations Act of 2012 (Public Law 112-74) provided an appropriation of \$53.0 million for the 31 CVPIA Restoration Fund (U.S. Senate Report 112-075, 2011). For 2013, the President’s budget seeks 32 \$39.9 million for the CVPIA Restoration Fund. Table 8-53 shows the appropriation history of the 33 fund from the annual Energy and Water Appropriations Bill. This funding history demonstrates a 34 consistent record of accomplishment of annual appropriations, and a general trend of steady 35 funding since 1996, including increases to account for inflation.

36 CVPIA Restoration Funds are for mitigation and restoration of the Central Valley Project. If at some 37 time in the future Interior determines that mitigation and restoration actions under CVPIA Section 38 3406 are complete, then the CVPIA Restoration Fund will be reduced under the provisions of CVPIA. 39 At that time, the reduced Restoration Fund will be primarily used to maintain existing mitigation 40 and restoration programs and activities. The CVPIA Restoration Fund collections from water and 41 power contractors are reduced by 50% (\$15 million in 1992 dollars) when the CVPIA mitigation and 42 restoration actions are determined to be complete.

Bay Delta Conservation Plan November 2013

1 Table 8-53. Appropriation History of the CVPIA Restoration Fund from the Annual Energy and 2 Water Appropriations Bill Appropriation		Amount	Appropriation	Amount
	1994	\$45,000,000	2003	\$48,904,000
	1995	\$45,385,000	2004	\$39,600,000
	1996	\$43,579,000	2005	\$54,695,000
	1997	\$38,096,000	2006	\$52,219,000
	1998	\$25,130,000	2007	\$52,149,990
	1999	\$33,130,000	2008	\$59,122,000
	2000	\$42,000,000	2009	\$56,079,000
	2001	\$38,359,666	2010	\$35,358,000
	2002	\$55,039,000	2011	\$49,915,000
	2012	\$53,068,000		
	Total	\$866,829,000		

4 Restoration funding is provided for activities that protect, restore, and manage aquatic and riparian 5 natural communities, for provision of water supplies to wildlife refuges, and for water acquisition 6 and other activities that benefit anadromous fish. These activities are consistent with the 7 performance goals, criteria, and recommendations from the 2009 *CVPIA Program Activity Review 8 Report* (Bureau of Reclamation 2011b). Table 8-54 provides a summary of CVPIA program funding 9 obligations from fiscal years 2001 to 2011 for programs that may potentially relate to the 10 conservation measures.

11 While the BDCP is not a CVPIA project-specific action and therefore is not authorized for broad 12 implementation, there will be elements of the BDCP that may be implemented as CVPIA projects 13 provided they are consistent with the authorized purposes of the CVPIA, including various CVP 14 implementing documents.

15 Certain CVPIA programs provide for grants and cooperative agreements for mitigation actions that 16 meet the needs and goals of CVPIA. In 2012, a total of \$3 million will be awarded to 15 projects with 17 a ceiling of \$1 million and a floor of \$25,000 per grant.

18 Based on common ecological goals of CVPIA and the BDCP conservation measures, it is anticipated 19 that various CVPIA authorities and funds will be used to support the implementation of certain 20 BDCP conservation measures. For the purposes of this analysis, it is assumed that the BDCP has the 21 potential to secure, on average, \$2 million annually in grants throughout the permit term (\$100 22 million total). However, most of this amount is expected during the earlier part of the permit term.

1 2 Implementation Costs and Funding Sources Chapter 8 **Table 8-54. Summary of CVPIA Restoration Funding Potentially Relevant to Conservation Measures**

Description	Similar to Conservation Measure or Component	Federal Fiscal Year Appropriations (in millions \$)							Total FY01–11						
		FY01	FY02		FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11		
Anadromous Fish Restoration Program (3405(a))	Many	5.3	5.0	5.0	3.1	4.1	3.3	5.5	3.5	6.6		4.1		6.2	51.7
Anadromous Fish Screen Program(3406(b)(21))	CM1 (fish screens), CM21	1.9	7.9	3.6	4.7	8.2	10.0	7.5	(1.3)	3.9		7.7		3.9	58.0
Habitat Restoration Program Other CVP Impacts (3406(b)(1)(other))	Many	1.4	1.5	1.5	1.4	1.5	1.5	1.5	1.4	1.4		1.2		1.7	16.0
Water Acquisition-Instream Flow (3406(b)(3))	CM1 (water acquisition)	1.1	3.3	3.2	(0.6)	3.6	2.0	6.5	3.8	6.0		6.6		6.8	42.3

Comprehensive Assessment and Monitoring Program(3406(b)(16))	Monitoring	0.3	0.5	0.2	0.2	0.5	0.4	0.3	1.2	2.2	1.7	7.5
Ecol\Wtr Systm Ops Model (3406(g)(4))	Directed Research	0.8	0.5	0.1	0.4	0.4	7.0	0.6	0.6	10.4		

Notes:CVPIA = Central Valley Project

Improvement Act; FY = fiscal year

Source: Bureau of Reclamation 2011b

1 8.3.6.1.2 California Bay-Delta Appropriations

2 Established in 1995, the CALFED Bay-Delta Restoration Program was a collaborative effort involving 3 25 state and federal agencies and representatives of California's urban, agricultural, and 4 environmental communities (Senate Report 112-075, 2011). The mission of the CALFED program 5 was focused on conserving and restoring the health of the ecosystem and improving water 6 management through improvements to fish and wildlife habitat, water supply reliability, and water 7 quality in the Bay-Delta (Bureau of Reclamation 2011c). Oversight and implementation of the 8 program was initially the responsibility of the California Bay-Delta Authority established by the 9 California Bay-Delta Act of 2003. In 2009, the State Legislature designated the Delta Stewardship

10 Council as successor to the California Bay-Delta Authority's administrative rights, obligations, and 11 duties (see Section 8.3.5.2.5, *Delta Stewardship Council*, for a discussion of the Delta Stewardship 12 Council and its funding).

13 Federal participation in CALFED was initially authorized in the California Bay-Delta Environmental 14 and Water Security Act enacted in 1996. Since CALFED was established in 1995, more than 15 \$1.4 billion of state and federal funds have been spent for restoration activities (Senate Report 16 112-075 2011). CALFED funding since 1995 provides an example of a substantial commitment of 17 funding from the federal government to support ecosystem and species restoration in the Delta of 18 the scale necessary to support the BDCP.

19 The CALFED Bay-Delta Authorization Act (Title I of Public Law 108-361) was enacted in 2004. This 20 act authorized \$389 million in federal appropriations for federal fiscal years 2005 through 2010. 21 Authorizations in the act were extended through September 30, 2014, by the Energy and Water 22 Development and Related Agencies Appropriations Act of 2009. It is anticipated that the CALFED 23 Bay-Delta Authorization Act will be further extended beyond September 30, 2014. Funding 24 continues implementation of priority activities included in the CALFED Bay-Delta Authorization Act 25 that will work toward resolving water resource conflicts in the Bay-Delta. Funds are used for 26 renewed federal state partnership, smarter water supply and use (including water conservation and 27 storage projects), and the habitat restoration program.

28 Various activities previously funded under the California Bay-Delta Restoration Program align with 29 numerous BDCP conservation measures. Numerous federal agencies, including Reclamation, have 30 received funding through the California Bay-Delta Restoration appropriations.

31 Specifically, seven federal agencies have the authority to receive continuing California Bay-Delta 32 Restoration appropriations (Reclamation, USACE, Natural Resources Conservation Service [NRCS], 33 NMFS, USGS, USFWS, and EPA) to implement various programs within each agency. The Bay-Delta 34 Restoration appropriations for each of these agencies is discussed in the sections below. All Bay35 Delta Restoration appropriations sources and assumptions for potential BDCP funding are listed in 36 Table 8-55. All Bay-Delta Restoration appropriations-related funding (for all federal agencies) is 37 assumed to continue at the same level as fiscal year 2011 appropriations through year 40 of the 38 permit term. For actions related to monitoring, research, and program administration, the same 39 funding level is assumed to continue until year 50. For actions related to restoration, funding is 40 assumed to be 25% of the 2011 appropriations amount from year 41 through year 50 of the permit 41 term (Table 8-55).

1 Table 8-55. Potential Funding from California Bay- Delta	FY2011 Cross-Cut Appropriatio n (BDCP- Related)	Potentia l Funding over 50- year	Allocation by Plan Component for 50-Year Permit Term ^a				
			Program Administratio n	Monitoring, Research, Adaptive Management , and	Water Facilities and Operatio	Natural Community Protection and Managemen	Natural Communit y Restoratio n (CM2, CM21)

Restoration Appropriations, by Federal 2 Agency and Associated Plan Component California Bay-Delta Restoration Appropriations, by Agency (listed in order of potential funding level)		Permit Term _b		Remedial Measures	n (CM1, CM22)	t (CM3, CM11)	CM4–CM13)	
Bureau of Reclamation								
Suisun Marsh Protection Program (W&RR)	\$1.5	\$63.8	-	-	-	-	\$64	-
Anadromous Fish Screen Program(PL108-361)	\$2.0	\$85.0	-	-	-	-	\$85	-
Anadromous Fish Screen Program (3406(b)(21))	\$4.0	\$170.0	-	-	-	-	\$68	\$102
BDCP Support (PL108-361)	\$6.5	\$975.0	-	-	-	-	\$300	\$675
Assessment and Monitoring Program (3406(b)(16))	\$1.3	\$65.0	-	\$65	-	-	-	-
San Joaquin River salinity management (PL108-361)	\$4.2	\$178.5	-	-	-	-	-	\$179
Delta waterquality standards (PL108-361)	\$0.8	\$31.9	-	-	-	-	-	\$32
Tracy Pumping Plant mitigation(W&RR)	\$2.0	\$85.0	-	-	-	-	\$85	-
Interagency Ecological Program (W&RR)	\$6.0	\$300.0	-	\$300	-	-	-	-
Pelagic organismdecline (W&RR)	\$1.8	\$90.0	-	\$90	-	-	-	-
CALFED Science Program (PL108-361)	\$4.5	\$225.0	-	\$185	-	-	-	\$40
CALFED Program Management (PL108-361)	\$2.0	\$100.0	\$100	-	-	-	-	-
Total Bureau of Reclamation	\$36.6	\$2,369.1	\$100	\$640	-	-	\$602	\$1,027
U.S. Fish and Wildlife Service								
Land acquisition	\$4.5	\$191.3	-	-	-	\$96	\$96	-

			Allocation by Plan Component for 50-Year Permit Term _a					
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Implementation Costs and Funding Sources Chapter 8 California Bay-Delta Restoration Appropriations, by Agency (listed in order of potential funding level)	FY2011 Cross-Cut Appropriation (BDCP-Related)	Potential Funding over 50-year Permit Term ^b	Program Administration	Monitoring, Research, Adaptive Management, and Remedial Measures	Water Facilities and Operation (CM1, CM22)	Natural Community Protection and Management (CM3, CM11)	Natural Community Restoration (CM2, CM4–CM13)	Other Stressors Conservation (CM13–CM21)
Environmental Restoration Program administration	\$1.2	\$60.0	\$60	-	-	-	-	-
Interagency Ecological Program	\$0.2	\$10.0	-	\$10	-	-	-	-
Total U.S. Fish and Wildlife Service	\$5.9	\$261.3	\$60	\$10	-	\$96	\$96	-
U.S. Environmental Protection Agency	\$5.6	\$238.0	-	-	-	-	\$238	-
U.S. Geological Survey, Interagency Ecological Program	\$3.5	\$175.0	-	\$175	-	-	-	-
Natural Resource Conservation Service	\$2.4	\$102.0	-	-	-	-	\$102	-
National Marine Fisheries Service, Biological Opinion implementation	\$0.3	\$15.0	-	\$15	-	-	-	-
U.S. Army Corps of Engineers								
Delta islands and levees	\$0.5	-	-	-	-	-	-	-
CALFED coordination	\$0.1	-	-	-	-	-	-	-
Notes: ^a Totals may not add due to rounding error. ^b For all restoration and other stressors sources, assumes full funding at FY2011 levels for the first 40 years of the permit term, which corresponds to the timeline for all natural community restoration. The final 10 years is assumed to have funding at 25% of this level. BDCP Support (PL108-361) is expected to increase to \$19.5 million annually for the entire permit term (three times current levels). Other sources related to ongoing monitoring and research, program administration, or mitigation for on-going operations are assumed to continue at current levels. W&RR = water and related resources; PL = Public Law; FR = <i>Federal Register</i>								

1 This assumption is timed to coincide with the construction period for all natural community 2 restoration (years 1 through 40). Assumptions regarding California Bay-Delta Restoration 3 appropriations for each relevant federal agency are described below.

4 US Bureau of Reclamation

5 Of all of the federal agencies, Reclamation receives the majority of the California Bay-Delta 6 Restoration appropriations. At least thirteen authorities for those appropriations overlap with and 7 are expected to support BDCP program administration, monitoring and research, natural 8 community protection, natural community restoration, and other stressors conservation measures 9 (Table 8-55). Appropriations in FY2011 for Reclamation relevant to program administration or

10 monitoring and research are assumed to continue for 50 years at the same level. Appropriations in 11 FY2011 relevant to natural community protection, restoration, or other stressors are assumed to 12 continue at the same level for 40 years, then 25% of current levels for 10 years. The one exception is 13 “BDCP Support” (PL108-361), which is assumed to triple from \$6.5 million annually in FY2011 to 14 \$19.5 million annually throughout the permit term.

15 Included in Table 8-55 are Reclamation’s Water and Related Resources (W&RR) appropriations. In 16 the past, water and related resources funding has been used to support Reclamation programs 17 similar to the conservation measures although mostly not in the Plan Area to date (Bureau of 18 Reclamation 2010a). Water and related resources funding has been consistently used to support 19 Reclamation’s efforts to increase the reliability and efficiency of water delivery systems, protect and 20 restore ecosystems, and address ESA compliance. Because of the overlap in goals, the BDCP is likely 21 to be eligible for substantial funding under this program.

22 US Fish and Wildlife Service

23 The California Bay-Delta Restoration appropriations supports three activities relevant to the BDCP: 24 land acquisition to facilitate habitat restoration, administration of the ERP, and support for the IEP 25 for oversight of monitoring and research. Land acquisition funding is assumed to support 26 restoration conservation measures and ERP funding is assumed to support BDCP program 27 administration. Funding for the IEP is assumed to support BDCP monitoring (see Section 8.3.5.2.4, 28 *Interagency Ecological Program (State Funding)* for details).

29 Environmental Protection Agency

30 EPA received \$5.6 million in funding in fiscal year 2011 through the California Bay-Delta Restoration 31 appropriations that are relevant to BDCP covered activities for ecosystem restoration (Table 8-55). 32 Funding for this program is assumed to continue and to support natural community restoration 33 under BDCP.

34 US Geological Survey

35 USGS plays an important role in how agencies manage the water systems in the Delta. The USGS 36 California Water Science Center based at California State University, Sacramento, collects, analyzes, 37 and disseminates hydrologic data from monitoring stations throughout the Delta and the Central 38 Valley. The following Water Science Center tasks provide examples of the overlap with the 39 monitoring needs of the BDCP (Nickles and Taylor 2010)

1 ☉ Maintain a network of real-time flow monitoring stations to help determine the relationships 2 between covered species and water flows. The stations have recently been augmented to 3 measure turbidity, an important physical variable for many covered fish species.

4 ☉ Determine the causes and rates of decreased sediment supply and turbidity in the Delta, which 5 may have implications for Delta smelt survival.

6 ☉ Tag and track juvenile salmon as they move into Delta channels to better understand how flow 7 conditions, channel geometry, and fish behavior affect salmon survival.

8 ☉ Study the Delta's complex water-quality issues, including mercury, pesticides and dissolved 9 organic carbon.

10 USGS received \$3.5 million in funding in fiscal year 2011 through the California Bay-Delta 11 Restoration appropriations relevant to the BDCP (Table 8-55) to support monitoring and targeted 12 research. Funding for this program is assumed to continue and to support BDCP-related monitoring 13 and research needs.

14 National Resources Conservation Service

15 NRCS received \$2.4 million in funding in fiscal year 2011 through the California Bay-Delta 16 Restoration appropriations to supplement the Wetlands Reserve Program, which is funded 17 primarily through the Farm Bill. This program supports the acquisition of conservation easements 18 to protect wetlands and related agricultural land, and to restore wetlands in agricultural landscapes. 19 As described in more detail in Section 8.3.6.3.1, *Wetlands Reserve Program (NRCS)*, this program is 20 highly relevant to the goals of BDCP. The funding level in FY2011 is assumed to continue and to 21 support BDCP natural community restoration (Table 8-55).

22 National Marine Fisheries Service

23 NMFS received \$1.6 million in funding in fiscal year 2011 through the California Bay-Delta 24 Restoration appropriations. Most of this funding supported oversight and implementation of the 25 requirements of the 2009 NMSF BiOp. Because of the overlap with some BiOp actions and BDCP, an 26 estimated \$0.3 million per year of this funding is assumed relevant to BDCP covered activities (Table 27 8-55). This funding level is assumed to continue and to support BDCP monitoring.

28 US Army Corps of Engineers

29 USACE received \$600,000 in funding in fiscal year 2011 through the California Bay-Delta 30 Restoration appropriations relevant to BDCP covered activities (Table 8-55) in two program areas: 31 Delta islands and levees, and CALFED coordination. The goal of the Delta Islands and Levees 32 Program is to restore sustainable ecosystem functions in the Bay-Delta, improve flood risk 33 management, and incorporate recommendations from other Delta planning

efforts. The funding was 34 authorized under House Resolution 01 June 1948; House Resolution 08 May 1964; Conference 35 Report 108-357, accompanying the Energy and Water Development Appropriations Act of 2004 36 (Public Law 108-357). This authority and the USACE planning process allows for studying37 ecosystem restoration needs, flood risk management problems, and related water resources in the 38 Delta, and funding projects to implement recommendations.

39 Federal agencies submit study and construction proposals through the federal budget process. This 40 is a 20-month development and defense cycle, with funding provided by Congress in annual41 appropriations. Investigations funding is available for feasibility studies (based on annual federal

1 appropriations) and is cost-shared at 50% federal and 50% nonfederal. Construction funding is 2 available for implementation projects (based on annual federal appropriations) and would likely be 3 cost-shared at 65% federal and 35% nonfederal. Table 8-56 shows the annual appropriations to this 4 program.

5 Table 8-56. Sacramento–San Joaquin Delta Islands and Levees Program Appropriations Appropriations	Amount
Fiscal year 2008	\$859,000
Fiscal year 2009	\$478,000
\$150,000 (Reprogrammed additional)	
Fiscal year 2010	\$394,000
Fiscal year 2011	\$239,000

1 There are no current estimates for the funding that NMFS may allocate to the San Francisco Bay 2 Area; however, other targeted regions (e.g., Chesapeake Bay, Great Lakes) have received \$1 to \$1.5 3 million per region, annually, between 2009 and 2011 (National Marine Fisheries Service 2011a). 4 The BDCP is expected to receive a similar level of funding, so it is assumed that an average of \$15 million per year would be available from this source for the next 10 years (\$10 million total) to help 6 fund a variety of restoration and other stressor conservation measures.

7 8.3.6.2 New Federal Authorizations

8 As described earlier, the Delta is an ecosystem of national significance. The Delta is also the critical 9 conveyance hub for the coordinated operation of the SWP and CVP that facilitates movement of 10 water supplies to more than 25 million people in northern California, the San Francisco Bay Area, 11 the San Joaquin Valley, the central coast, and southern California, and irrigation for over 3.3 million12 acres of farmland. Implementation of the BDCP will address several issues of national importance 13 including large-scale ecosystem restoration, climate change adaptation, and water supply reliability 14 for the 12th largest economy in the world. An economic impact analysis of the BDCP concludes that 15 the Plan would increase California business output by over \$83.5 billion and create or preserve up 16 to 1.1 million jobs (The Brattle Group 2013). These substantial national public benefits may warrant 17 additional federal authorizations that would provide funding beyond the existing federal 18 authorizations and grant programs listed in this chapter. New federal authorizations would enable 19 federal agencies to request and receive additional appropriations to assist the State of California in20 implementing the BDCP.

21 The BDCP Permittees intend to collaborate and seek additional federal authorizations through 22 Congress consistent with the public benefits and funding needs of the Plan. This approach is 23 consistent with other large-scale restoration programs that provide substantial public benefits 24 (Table 8-58). For example, local and state permittees for the Lower Colorado River Multi-Species 25 Conservation Plan (also an HCP) sought and obtained new federal authorizations for appropriations. 26 In 2009, Congress authorized a 50% federal cost share for the plan (Public Law 111-11, Title IX, 27 Subtitle E, Section 9401 *et seq.*) subject to future appropriations. In another example, in 2008, the 28 proponents of the three-state Platte River Restoration Program sought and received Congressional 29 aut1 Implementation

Costs and Funding Sources Chapter 8 **Table 8-58. Federal Funding Share for Large-Scale Habitat Restoration Programs**

Restoration Program ^a	Federal Funding Share	Nonfederal Funding Share ^b	Notes
Bay Delta Conservation Plan	14%	86%	See Table 8-37 for a funding summary

Chesapeake Bay Restoration Program	27%	72% states; 1%NGOs	Cost share not prescribed. Allocation based on 2007–2011 spending.
Comprehensive Everglades Restoration Plan	50%	50%	
Puget Sound Partnership	33%	67% (state)	Rough estimate based on 2010–2012 spending
Upper Mississippi River Navigation and Ecosystem Sustainability Program	65%	35%	Allocation for ecosystem restoration; for certain projects, federal share is 100%
Missouri River Recovery Program and Missouri River Ecosystem Restoration Plan	Approx. 100%	See note	Primarily federally funded, with nonfederal cost-share up to 100% depending on project location and purpose.
Great Lakes Restoration Initiative	Approx. 100%	See note	Mostly federally funded, but cost-share varies by project type.
Lower Colorado River Multi-Species Conservation Program	50%	50%	Federal agencies are responsible for all costs over \$626 million.
Upper Mississippi River Restoration - Environmental Management Program	25% or 100% (see note)	See note	Federal share 100% for fish and wildlife enhancement; otherwise 75% nonfederal cost share.
Upper Colorado River Endangered Fish Program	41%	59%	Based on actual contributions FY 1989-2013.
Platte River Recovery Implementation Program	50%	50%	
^a The purposes of these restoration programs varies. Of these, only the Lower Colorado River Multi-Species Conservation Program is an HCP like the BDCP. Like BDCP, these programs share a common goal of largescale restoration for the benefit of ecosystems, listed species, and ecosystem functions of national importance. ^b Includes funding from tribes, states, local agencies, non-governmental organizations (NGOs), and private entities. ^c 100% federal cost share where there is a national benefit, benefit to a listed species, or project on a National Wildlife Refuge. NGO = nongovernment organization			

horization for appropriations for up to 50% of that large-scale restoration program (Public Law 30 110-229, Title V, Section 515 *et seq.*)

1 Incentives Program, both of which are provided under the Farm Bill⁶⁶. Under the current Farm Bill 2 (2008), the Bay-Delta region has received considerable funding. There is no guarantee, however, 3 that the current level of funding will continue. The Farm Bill is on a 5-year cycle and available 4 funding from these NRCS programs is dependent on continued Congressional appropriations.

5 The Wetlands Reserve Program provides financial and technical assistance to help landowners 6 protect, restore, and enhance wetlands on their property. The goal of the program is to “achieve the 7 greatest wetland functions and values, along with optimum wildlife habitat, on every acre enrolled 8 in the program.” Over 2.3 million acres are currently

enrolled in the program; however, legislation in 9 2008 increased the number of acres that can be enrolled to over 3 million.

10 The Wetlands Reserve Program offers five enrollment options: permanent easement, in which NRCS 11 pays 100% of the easement value and up to 100% of the restoration costs; 30-year easement, in 12 which NRCS pays up to 75% of the easement value and up to 75% of restoration costs; and 13 restoration cost-share agreements. In addition, under the provisions of the 2008 Farm Bill, there is a 14 reserved rights pilot option under which a landowner can reserve grazing rights to the property in 15 approved counties as long as grazing is compatible with the wildlife habitat goals identified in the 16 restoration plan. The grazing option has been used on vernal pool landscapes, and in intermountain 17 wet meadows to manage for greater sandhill cranes. The restoration cost-share agreement does not 18 require an easement, but involves an agreement for restoration or enhancement of the wetland 19 functions and values. Under this option, NRCS pays up to 75% of restoration costs. Also, because the 20 reserved rights pilot option allows the landowner to keep grazing rights to the property, they are 21 paid 75% of the established per acre value for the easement.

22 Competition for funds under the Wetlands Reserve Program is through individual state funding 23 allocations and partnership funding contributions are given additional points in the environmental 24 ranking score. Traditional partners for applicants in the Bay-Delta region are the California Wildlife 25 Conservation Board and USFWS. In 2011, projects in the Bay-Delta region received \$25 million 26 through the Wetlands Reserve Program. All of the wetland restoration conservation measures are 27 closely aligned with the Wetlands Reserve Program. In addition, *CM3 Natural Communities 28 Protection and Restoration* calls for extensive acquisition of conservation easements on a variety of 29 natural communities that support or could support wetlands and therefore could be eligible for 30 funding under the Wetlands Reserve Program. To be eligible for Wetlands Reserve Program funds, 31 lands would need to remain in private ownership. For the purposes of this funding analysis, it is32 assumed that private landowners who collaborate with the BDCP could potentially receive an 33 average of \$2.5 million annually to support BDCP conservation easements (\$125 million total).

34 8.3.6.3.2 Cooperative Endangered Species Conservation Fund (USFWS)

35 The USFWS Cooperative Endangered Species Conservation Fund authorized under Section 6 of the 36 ESA is likely to provide a source of grant funding for land acquisition under the BDCP to support the 37 contribution to recovery for the terrestrial covered species. Section 6 grants cannot be used for 38 mitigation. USFWS annually provides significant funds to local agencies implementing regional 39 HCPs. The Section 6 grant program is divided into three funding categories: HCP Assistance (for

⁶⁶The Farm and Ranch Lands Protection Program and the Grassland Reserve Program, both also part of the Farm Bill, also overlap with the goals of the BDCP. Although both of these programs are potential sources of funding for the BDCP, neither is discussed because of the limited amount of available funds. If these programs receive more funding from Congress in the future, they could provide additional funds for the BDCP from NRCS.

1 2 3 4 5 planning), HCP Land Acquisition, and Recovery Land Acquisition grants. Grants are applied for and administered by CDFW, as summarized in Table 8-59. Implementation is expected to be supported by the HCP Land Acquisition fund. Once approved, the Plan would no	Purpose	Species Benefiting	Applicants	Competition	Financial Match Requirement ^a
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longer qualify for HCP planning assistance grants. ⁶⁷ Recovery land acquisition grants are not associated with approved HCPs. 6 Table 8-59. USFWS Cooperative Endangered Species Conservation Grant Programs Grant Program					
HCP Planning Assistance	To support development of HCPs	Federally listed threatened or endangered species, proposed and candidate species, and unlisted species proposed to be covered by the HCP ^b	States or territories that have entered into cooperative agreements with USFWS for endangered and threatened species conservation	National competition	25% of estimated project cost or 10% when two or more states or territories implement a joint project
HCP Land Acquisition	To acquire land associated with conservation under approved HCPs (not mitigation)	Federally listed threatened or endangered species, unlisted (including state-listed species), proposed and candidate species covered by the HCP ^b	States or territories that have entered into cooperative agreements with USFWS for endangered and threatened species conservation	National competition	25% of estimated project cost or 10% when two or more states or territories implement a joint project
Recovery Land Acquisition	To acquire habitat in support of approved recovery goals or objectives	Federally listed threatened or endangered species	States or territories that have entered into cooperative agreements with USFWS for endangered and threatened species conservation	Regional competition	25% of estimated project cost or 10% when two or more states or territories implement a joint project
Notes: ^a As required under Section 6 of the Endangered Species Act, grants to states and territories must include a minimum contribution by the project's nonfederal partners. These contributions can be in-kind, through staff time or use of nonfederal equipment, or financial assistance. ^b A species covered by the HCP is any species (listed or unlisted) that is included in the Section 10(a)(1)(B) permit, thus receiving incidental take authorization. HCP = habitat conservation plan; USFWS = U.S. Fish and Wildlife Service Source: Rinek pers. comm.					

1 From fiscal year 2002 through 2012, USFWS has made available over \$452 million in land 2 acquisition funds nationally, or an average of \$41.1 million annually. Since 2002, California has 3 received over \$200 million in land acquisition funding for approved HCPs and NCCPs, by far the 4 largest share of any state (45% of the total, or an average of \$18.3 million annually). This is due to 5 the state having the largest number of large-scale approved HCPs and little competition from other 6 states. Grant awards to individual plans in California have ranged from just under \$1 million to over 7 \$23 million; recent awards have been approximately \$6 million per plan per year. This trend is 8 expected to continue but California's share of the funds is likely to decline as more large-scale HCPs 9 are approved in other states.

10 In fiscal year 2011, HCP Land Acquisition grants awarded totaled \$28.6 million nationally. In fiscal 11 year 2012, funding for the HCP Land Acquisition grants was cut by 48%, to \$15 million. The status of 12 this fund in the future is uncertain.

13 Section 6 funding would be applicable primarily to *CM3 Natural Communities Protection and 14 Restoration*. Section 6 funding may also apply to the land acquisition portion of restoration 15 conservation measures (i.e., if land acquisition is needed to facilitate restoration). The BDCP is 16 expected to be highly competitive for these grants because of the large number of federally listed 17 species in the Plan Area and its comprehensive ecosystem approach. Based on this, the past 18 performance of California plans, and the assumption that the fund will grow in the future to its 19 historical funding amounts, the BDCP has the potential to receive an estimated \$50 million from 20 Section 6 funds for CM3 over the permit term. This conservative assumption is consistent with the 21 performance of California NCCPs of comparable size and complexity that have secured the largest 22 amounts of Section 6 funding since 2002.⁶⁸

23 With respect to the Section 6 Land Acquisition grants, the BDCP will likely be competing with other 24 regional HCPs in California, including those that overlap with the Plan Area (Chapter 1, Section 1.5, 25 *Relationship to Other Plans in the Delta*). The Implementation Office will work with the sponsors of 26 these regional conservation plans to encourage an increase in federal appropriations to support this 27 program to ensure that sufficient funds are available to all eligible plans in California. The 28 Authorized Entities will not seek Section 6 land acquisition grants unless available funding under 29 the program exceeds the level set for fiscal year 2010 (\$40.9 million), after any successful grants 30 received by the BDCP are deducted and after any corrections for inflation.

31 **8.3.6.3.3 Environmental Quality Incentives Program (NRCS)**

32 The NRCS Environmental Quality Incentives Program is designed to provide financial and technical 33 assistance to farmers and ranchers for addressing natural resources concerns. Under this program, 34 NRCS awards cost-share assistance to projects that provide significant environmental benefits. 35 NRCS provides conservation practice payments to landowners under program contracts of up to 10 36 years. To determine which projects are allocated funds, priority natural resource concerns are 37 identified within each state. Water quality and water quantity projects, like the BDCP, are given very 38 high priority in California. In 2011, projects in the Bay-Delta region received \$70 million through the 39 program.

⁶⁸ *San Diego County Multi-Species HCP/NCCP* (\$56 million in 11 years); *Western Riverside County HCP/NCCP* (\$46 million in 11 years); *East Contra Costa County HCP/NCCP* (\$33 million in 7 years).

1 Traditionally, under the Environmental Quality Incentives Program, individuals are limited to 2 \$300,000 for all contracts entered into in a 6-year period and participants whose projects have been 3 determined by NRCS to have “special environmental significance” may petition for the payment 4 limitation to be increased to \$450,000. Despite these funding limitations, the size of the applicant 5 project does not affect the applicability of the potential funding mechanism. Therefore, NRCS can 6 provide funds for larger-scale projects that provide on-farm benefits.

7 Although NRCS does not directly fund the public and private entities who will be implementing the 8 BDCP, NRCS may work with an agency that can provide direct funding to these entities. For example, 9 NRCS is currently working with Reclamation on the WaterSMART program. This program provides 10 water districts, among others, with the opportunity to leverage their money and resources by cost 11 sharing with Reclamation on projects that save water, improve water management, create new 12 supplies for agricultural irrigation, improve energy efficiency, benefit endangered species, and 13 increase the capability or success rate of on-farm water conservation or water use efficiency 14 projects. Under this program, water districts describe how the improvements will benefit end users 15 and NRCS makes available on-farm funding. Through this joint venture, NRCS and Reclamation put 16 forward \$5 million and NRCS gave an additional \$2 million. All funds under this program were 17 received by entities in the Bay-Delta area. NRCS and Reclamation are planning to continue this 18 program again in the next fiscal year. Cultivated lands acquired through conservation easements or 19 fee-title as part of *CM3 Natural Communities Protection and Restoration* could be eligible for grant 20 funding under this program.

21 NRCS could create a new partnership with other agencies that can provide money to water districts 22 or other BDCP entities (e.g., DWR) as long as the two entities collaborate to set up a program that 23 addresses water quality and water quantity issues and which benefits farmers directly. For the 24 funding analysis, the BDCP is assumed to have the potential to receive an average of \$1 million 25 annually from this program to support BDCP conservation easements (\$50 million total).

26 **8.3.6.3.4 Land and Water Conservation Fund**

27 The Land and Water Conservation Fund was established by Congress in 1965 to receive a portion of 28 receipts from offshore oil and gas leases be placed into a fund annually for state and local 29 conservation, as well as for the protection of national treasures (parks, forest, and wildlife areas). 30 The fund has been the principal funding source for federal land acquisitions for conservation and 31 recreation purposes since 1965. The Bureau of Land Management, USFWS, the National Park 32 Service, and the U.S. Forest Service all receive funds from the Land and Water Conservation Fund. 33 The fund also serves as a major source of state and local funding for land acquisition and 34 development of public outdoor recreation resources through a state matching grant program. 35 Funding for the program has remained flat since at least 2002. In fiscal year 2011, the fund was 36 allocated \$301 million for land acquisition nationwide. Allocations nationwide in past years have 37 been as low as \$138 million (fiscal year 2007) and as high as \$536 million (fiscal year 2001).

38 The State Wildlife Grant Program is funded annually with an appropriation from Congress through 39 the Land and Water Conservation Fund. The goal of the grant program is to conserve wildlife and 40 their habitats. Grants are available to states and territories and are intended for developing and 41 implementing programs that benefit fish and wildlife species at risk and their habitats. The grant 42 program provides states with funds to address the conservation needs of nongame species, 43 including reptiles, amphibians, and invertebrates. Priority is placed on projects that benefit species 44 of greatest conservation concern. Grant funds must be used to address conservation needs, such as

1 research, surveys, species and habitat management, and monitoring, identified within a state's 2 comprehensive wildlife conservation plan or strategy.

3 The State Wildlife Grant Program of the Land and Water Conservation Fund may fund land 4 acquisition with *CM3 Natural Communities Protection and Restoration*. Over the history of the fund, 5 western states have received the majority of the funding because federal land is much more 6 common in the west. California has received an average of approximately \$50 million annually over 7 the 45-year life of the fund, although less in recent years due to declining funding allocations. The 8 BDCP is expected to be competitive for this funding. The funding plan assumes that the BDCP has the 9 potential to receive \$25 million over the permit term for CM3.

10 **8.3.6.3.5 National Coastal Wetlands Conservation Grant Program (USFWS)**

11 The National Coastal Wetlands Conservation Grant Program was established by Title III of Public 12 Law 101-646, Coastal Wetlands Planning, Protection and Restoration Act of 1990. Under this 13 program, USFWS provides matching grants to states for acquisition, restoration, management, or 14 enhancement of coastal wetlands.

15 Eligible applicants are any state agency or entity designated as eligible by the governor of a coastal 16 state. The following California agencies have been designated as eligible to apply for program 17 grants: State Coastal Conservancy, Wildlife Conservation Board, Rivers and Mountains Conservancy, 18 California Conservation Corps, California Natural Resources Agency, Department of Fish and Game, 19 Santa Monica Mountains Conservancy, San Diego River Conservancy, and the California Coastal 20 Commission.

21 The following activities are eligible for grants.

22 ☉ Acquisition of a real property interest in coastal lands or waters from willing sellers or partners 23 (coastal wetlands ecosystems), providing that the terms and conditions will ensure the real 24 property will be administered for long-term conservation.

25 ☉ The restoration, enhancement, or management of coastal wetlands ecosystems, providing 26 restoration, enhancement, or management will be administered for long-term conservation.

27 Typically, between \$13 million and \$17 million in grants are awarded annually through a 28 nationwide competitive process. In the last four fiscal years (fiscal years 2008 through 2011), 29 California received an average of \$3.7 million annually. In fiscal year 2012, the grant program will 30 fund 24 individual projects in 13 states encompassing nearly 13,950 acres of coastal habitat. USFWS 31 expects that approximately \$17.5 million will be available for grants in fiscal year 2013.

32 The Coastal Wetlands Planning, Protection and Restoration Act of 1990 provides that projects 33 meeting certain criteria will be given priority. The following criteria are consistent with the BDCP.

34 ☉ Consistent with the National Wetlands Priority Conservation Plan.

35 ☉ Located in states with dedicated land acquisition programs.

36 ☉ Benefitting threatened and endangered species, promoting partnerships, and supporting 37 conservation and recovery programs.

38 The program will not provide grants to support planning, research, monitoring activities, or 39 construction or repair of structures for recreational purposes. Awards typically range from 40 \$200,000 to a maximum of \$1 million. The BDCP is expected to be competitive for grants through

1 this program for a variety of conservation measures, but funding levels will likely be modest due to 2 limited annual funding amounts. Based on the trends in funding nationally and in California, the 3 BDCP assumes receipt of up to \$5 million over the permit term, or five awards of the maximum \$1 4 million amount.

5 8.3.6.3.6 Restoration Partnership Grants (NMFS)

6 NOAA's Restoration Center national and regional partnership grants provide funding for multiyear 7 national and regional habitat restoration partnerships that will result in the implementation of 8 habitat restoration projects, including watershed-scale projects that yield significant ecological and 9 socioeconomic benefits. Through these partnerships, the NOAA Restoration Center is able to 10 leverage funds and effort for restoration through match and in-kind contributions. The NOAA 11 Restoration Center has successfully funded this program for over 20 years (National Marine 12 Fisheries Service 2011e).

13 Partnerships are granted in 3-year cycles with typical partnership awards ranging from \$500,000 to 14 \$1 million. Approximately \$10 million is available through this program annually (National Marine 15 Fisheries Service 2011e). The program is currently funding 18 national and regional partnerships in 16 the current 3-year funding cycle. Organizations funded through this program that could support 17 BDCP conservation measures that contribute to species recovery (i.e., not mitigation) include 18 American Rivers, The California State Coastal Conservancy, Ducks Unlimited, The Nature 19 Conservancy, Restore America's Estuaries, and Trout Unlimited (National Marine Fisheries Service 20 2011f).

21 NMFS priority partnership selection criteria that will likely be met by the BDCP are listed below 22 (National Marine Fisheries Service Funding Announcement 2009).

23 ☉ Significant ecological and societal benefits (e.g., job creation).

24 ☉ Demonstration of sound science support for restoration.

25 ☉ Accountability through specific goals and outcomes.

26 ☉ Cost-effective use of funds and matching.

27 The conservation measures that would likely be most applicable to the partnership grants include 28 *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and other 29 conservation measures that directly benefit covered fish such as *CM15 Localized Reduction of 30 Predatory Fishes*. The BDCP has the potential to secure NMFS partnership grants at an estimated 31 average of \$500,000 annually for 20 years (\$10 million total).

32 8.3.6.3.7 Estuary Habitat Restoration Projects (NMFS)

33 The Estuary Restoration Act of 2000 makes restoring estuaries a national priority. Although USACE 34 was originally the only member agency authorized to receive funding for project implementation 35 under the act, amendments in 2007 authorized NOAA to receive appropriations of \$2.5 million per 36 year to carry out restoration projects. The amendments also authorized monitoring costs associated 37 with a funded project to be included in the total cost of the project (National Marine Fisheries 38 Service 2011c).

39 NMFS solicits proposals for estuary habitat restoration projects that “achieve cost-effective 40 restoration while prompting partnerships among agencies and between public and private sectors.”

1 Eligible applicants include, among others, state and local governments, and nonprofit organizations. 2 Funding awards range from \$100,000 to \$1 million (National Marine Fisheries Service 2011c).

3 NMFS first considers projects that meet the following criteria.

4 ☉ Are designed to address projected climate change impacts.

5 ☉ Occur in a watershed where there is a program being implemented that addresses sources of 6 pollution and other activities that otherwise would adversely affect the restored habitat.

7 ☉ Include pilot testing or demonstration of an innovative technology or approach having the 8 potential to achieve better restoration results than conventional technologies, or comparable 9 results at lower cost in terms of energy, economics, or environmental impacts (National Marine 10 Fisheries Service 2011d).

11 NMFS can allocate funds in excess of its appropriated funding amount of \$2.5 million through cost12 share agreements with USACE or a cooperative agreement with USACE or NOAA, subject to 13 availability of funds. In 2011, NMFS allocated \$7 million among estuary restoration projects 14 (National Marine Fisheries Service 2011d). To date, no projects have been funded in California.

15 Based on the goals of the Estuary Restoration Act and the projects in other states funded to date, the 16 conservation measures that would likely be most applicable to this program include *CM2 Yolo 17 Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally 18 Inundated Floodplain Restoration*. Other restoration conservation measures may also qualify.19 Because the goals of the BDCP align well with the goals of the Estuary Restoration Act and this 20 funding program, the BDCP is expected to be highly competitive for these grants. Assuming this 21 program is funded for another 10 years, the BDCP has the potential to secure an average of 22 \$500,000 annually (\$5 million total).

23 **8.3.6.3.8 San Francisco Bay Area Water Quality Improvement Fund (EPA)**

24 EPA administers or has administered several grant programs that overlap in purpose with BDCP 25 implementation. The only currently active grant program that is relevant to the BDCP is the San 26 Francisco Bay Area Water Quality Improvement Fund⁶⁹.

27 The San Francisco Bay Area Water Quality Improvement Fund is a competitive grant program with 28 the goal of protecting and restoring the San Francisco Bay and its watershed. Congress has been 29 funding the program, which is administered by EPA, since 2008. Since the inception of the fund, EPA 30 has awarded over \$20 million through 10 grants to 38 projects. In the future, awards will range in 31 amount from \$500,000 to \$2 million over a 4-year period. Successful applications must demonstrate 32 results concerning one or more of the following San Francisco Bay water quality priorities.

33 ☉ Protecting and restoring habitat, including riparian corridors, floodplains, wetlands, and the 34 Bay.

35 ☉ Reducing polluted run-off from urban development and agriculture.

⁶⁹ In 2008, EPA administered the West Coast Estuaries Initiative for the California coast, which provided \$5 million to conserve, restore, and protect the water quality, habitat, and environment of California coastal waters, estuaries, bays and near shore waters through comprehensive approaches to water quality management. Although funding for this program was not renewed, it demonstrates that EPA may periodically provide funding for implementation beyond the sources described

1 ☉ Implementing TMDL standards and watershed plans to restore impaired water bodies.

2 An example of a funded project similar to the BDCP is the Dutch Slough Restoration Project in Contra 3 Costa County. This project is in the Plan Area and in the West Delta ROA. In 2011, EPA provided 4 \$1.4 million to help fund this tidal marsh restoration project. Although the San Francisco Bay Area 5 Water Quality Improvement Fund is limited in use to nine counties in the Bay Area, BDCP 6 restoration projects in Solano County (Suisun Marsh) and Contra Costa County (Dutch Slough) will 7 qualify because they occur in one of the Bay Area counties authorized for funding.

8 At a minimum, the following conservation measures are aligned with the focus of this fund and

9 would likely be eligible for funding: *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally 10 Inundated Floodplain Restoration*, *CM6 Channel Margin Enhancement*, *CM7 Riparian Natural 11 Community Restoration*, and *CM10 Nontidal Marsh Restoration*.

12 The lifespan of this fund is unknown. For the purposes of the funding analysis, the BDCP has the 13 potential to receive at least \$5 million from this fund.

Implementation Costs and Funding Sources

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1 Acronyms and Abbreviations

BDCP or Plan	Bay Delta Conservation Plan
BiOp	biological opinion
CALFED	CALFED Bay-Delta Restoration Program
Caltrans	California Department of Transportation
CVP	Central Valley Project
CVPA	Central Valley Project Act
CVPIA	Central Valley Project Improvement Act
DBEEP	Delta-Bay Enhanced Enforcement Project
DHCCP	Delta Habitat Conservation and Conveyance Program
DRERIP	Delta Regional Ecosystem Restoration Implementation Plan
DWR	California Department of Water Resources
EIR	environmental impact report
EIS	environmental impact statement
EPA	U.S. Environmental Protection Agency
ERP	Ecosystem Restoration Program
ESA	Endangered Species Act
Fish & Game Code	California Fish and Game Code
GIS	geographic information system
GPS	global positioning system
HCP	habitat conservation plan
IAV	invasive aquatic vegetation
IEP	Interagency Ecological Program
MAF	million acre-feet
mg/L	milligrams per liter
MHHW	mean higher high-water
MLLW	mean lower low-water
MPTO	Modified Pipeline/Tunnel Option
NAVD88	North American Vertical Datum of 1988
NCCP	natural community conservation plan
NCCPA	Natural Community Conservation Planning Act
NMFS	National Marine Fisheries Service
NRCS	Natural Resources Conservation Service
O&M	operations and maintenance
PRC	Public Resources Code
Reclamation	Bureau of Reclamation
ROA	restoration opportunity area

SFCWA	State and Federal Contractors Water Agency
State Water Board	State Water Resources Control Board
SWP	State Water Project
TMDL	total maximum daily load
USC	United States Code
USFWS	U.S. Fish and Wildlife Services
USGS	U.S. Geological Survey

Chapter 8

Implementation Costs and Funding Sources

8.1 Introduction

This chapter outlines the estimated costs associated with implementation of the BDCP (or Plan) over the proposed 50-year term of the Plan and, for some components of the Plan, beyond the duration of the Plan. The federal Endangered Species Act (ESA) requires that habitat conservation plans (HCPs) specify “the applicant will ensure that adequate funding for the plan will be provided” for conservation actions that minimize and mitigate impacts on covered species (United States Code [USC] 1539(a)(2)(A)). The Natural Community Conservation Planning Act (NCCPA) requires that natural community conservation plans (NCCPs) contain “provisions that ensure adequate funding to carry out the conservation actions identified in the Plan” (California Fish and Game Code [Fish & Game Code] 2820(a)(10)).

Based on the estimated implementation costs, this chapter identifies the potential sources of funding for Plan implementation and the mechanisms that will be used to secure such funds. This chapter also describes the basis for the assurances provided by the Plan participants that adequate funding will be available from the applicants and the state and federal governments to cover the costs of Plan implementation.

The chapter is organized as follows.

- Section 8.2, *Cost Estimate*, describes the cost estimate, including common assumptions for cost estimation, and the costs associated with the conservation measures, Plan administration, monitoring and research actions, and changed circumstances.
- Section 8.3, *Funding Sources*, describes funding from the State Water Project (SWP), state and federal water contractors, and from state and federal funds.
- Section 8.4, *Funding Assurances*, describes the funding assurances related to additional funds that may be needed for restoration, management, or monitoring; the potential failure of bond measures; and management and monitoring after the permit term.

Because of the large geographic scale of the Plan, the complexity of the implementation actions, and extended timeframe over which these actions will occur, the process of estimating the costs of the Plan involved a number of assumptions as presented and explained in various sections of this chapter. Costs identified in this chapter are often at a programmatic level and are intended to estimate funding levels needed to implement the Plan. The cost estimate will be used by the Implementation Office to develop annual capital and operating budgets that will include cost controls as described in Chapter 6, *Plan Implementation*. Appendix 8.A, *Implementation Costs Supporting Materials* provides additional detail on the data and assumptions used to estimate costs presented in this chapter.

The Delta is an ecosystem of national significance. Consistent with the “beneficiary pays” principle and in recognition of public benefits associated with environmental restoration of this important region, it is assumed that a state and federal investment will be available and necessary to implement the BDCP, as described in Section 8.3, *Funding Sources*. This public contribution is further

justified by the fact that there are stressors contributing to the decline of the Delta ecosystem and dependent species that are not directly related to operations of the SWP and Central Valley Project (CVP). Public funding for programs of this nature is consistent with other HCPs and restoration efforts that involve large ecosystems of national significance such as the Lower Colorado River, Platte River, Chesapeake Bay, Great Lakes, and Florida Everglades. Many of these large-scale restoration efforts share similar goals of the BDCP to increase water supply reliability and to restore ecosystem function and endangered species populations.

8.2 Cost Estimate

8.2.1 Scope and Purpose of the Cost Analysis

The BDCP identifies a range of actions that will be implemented over the term of the Plan to meet the biological goals and objectives described in the conservation strategy and to comply with the requirements of the ESA and the NCCPA. The cost analysis conducted for the BDCP quantifies both the overall estimated cost of the BDCP and the estimated cost of specific plan components. These estimates were used to establish the funding requirements for plan implementation over the course of a 50-year term and beyond the permit term. These estimates will also guide future decisions regarding the allocation of funding responsibilities among the plan participants, including California Department of Water Resources (DWR), the U.S. Department of the Interior, Bureau of Reclamation (Reclamation), and participating state and federal water contractors. As is typically the case of NCCPs and HCPs, plan costs will be borne by the applicants and the state and federal governments. See Section 8.3, *Funding Sources*, for a description of the proposed funding plan. Note that this chapter is not a financing plan to support the issuance of bonds or to provide a basis for the establishment of new funding mechanisms; nor does it establish the final allocation of cost or repayment responsibility; rather, financing plans will be prepared separately by various funding agencies and through future discussions between state and federal agencies.

Specifically, the analysis set forth in this chapter addresses costs related to the following components of the BDCP:

- **Conservation measures**, described in Chapter 3, *Conservation Strategy*.
 - **Water facilities construction and operations.** This category covers those conservation measures related to water facilities and water operations. The costs associated with these measures include the development of new water conveyance and other water management facilities that will be located both within and around the Delta. This category also includes actions associated with the operations of both existing and new facilities.
 - **Natural community restoration and protection.** This category includes conservation measures associated with the preservation, restoration, and protection of natural communities.
 - **Other stressors.** This category covers conservation measures designed to reduce the direct and indirect adverse effects of various stressors on ecological functions, covered species, and natural communities. Such stressors include toxic contaminants and other factors affecting water quality, nonnative species, harvest, hatcheries, diversions unrelated to the SWP or the CVP, predators, and migration barriers and other impediments to movement.

- 1 • **Program administration.** This category consists of expenditures necessary to administer the
2 BDCP. It includes the startup cost of establishing the Implementation Office and the ongoing
3 costs of administration, including expenses associated with personnel, offices and other
4 facilities, equipment, vehicles, contracted services, and other overhead and related expenses.
5 The approach to the administration of the BDCP is described in Chapter 7, *Implementation*
6 *Structure*.
- 7 • **Monitoring and adaptive management.** This category includes the startup and ongoing costs
8 of the monitoring, research, and adaptive management programs, including expenses related to
9 research and data collection, management, and analysis. The BDCP monitoring and adaptive
10 management programs are described in Chapter 3, *Conservation Strategy*.
- 11 • **Changed circumstances.** This category covers the cost of implementing measures to respond to
12 changed circumstances. Those measures are set forth in Chapter 6, *Plan Implementation*. Costs
13 related to the mitigation of effects on natural communities and covered species are included in
14 the cost estimates of the conservation measures.

15 The cost analysis includes sections describing how funding needs were estimated for each Plan
16 component, including the assumptions and data used to determine the level and timing of funding
17 needed over the course of Plan implementation. Many of the cost estimates are based on conceptual
18 and engineering designs for water facilities and habitat restoration projects available at the time of
19 Plan formulation.

20 The costs of many of the mitigation measures in the environmental impact report
21 (EIR)/environmental impact statement (EIS) overlap with many of the costs of the conservation
22 measures. Costs associated with EIR/EIS mitigation measures that are not accounted for in the
23 conservation measures are described in Appendix 8.A, *Implementation Costs Supporting Material*.

24 8.2.2 Common Assumptions for Cost Estimation

25 To estimate Plan costs, a detailed cost model was constructed using linked spreadsheets that
26 enabled all major cost categories to be developed independently (Appendix 8.A, *Implementation*
27 *Costs Supporting Materials*). The model structure was based on and refined from cost models
28 developed for other large, complex regional HCPs and NCCPs. The goal of the cost model was to
29 allow for conservative estimates of all expenses of the Implementation Office and other entities with
30 implementation responsibility over the permit term to ensure that total program costs would not be
31 underestimated. The cost model provides budget scenario estimates that the Implementation Office
32 will use to project over the lifetime of the Plan annual funding needs for Plan implementation (see
33 Chapter 6, *Plan Implementation*, for details on the annual budgeting process). The cost model was
34 designed to demonstrate that all costs have been accounted for and reasonably estimated. Some of
35 the assumptions used to estimate costs apply to all of the cost estimates presented in this chapter.
36 These common assumptions are described in the following subsections (also see Appendix 8.A,
37 *Implementation Costs Supporting Materials*).

38 8.2.2.1 Cost Periods

39 Cost estimates were prepared in 5-year increments, starting with the first year in which regulatory
40 authorizations are issued by the fish and wildlife agencies, and concluding at the expiration of the
41 permit term. The timing of the incurrence of costs is based on the schedule of implementation
42 presented in Chapter 6, *Plan Implementation*. Average annual costs are summarized for the near

term (years 1 through 10), early long-term (years 11 through 15), and late long-term (years 16 through 50) phases of Plan implementation. Additionally, at the end of the permit term, certain management costs will continue *in perpetuity*. These costs will be funded through a nonwasting endowment or other appropriate mechanisms. Costs that will be funded by the endowment include those related to reserve management, administration, and land use monitoring. Endowment funding and costs that will be incurred for the conservation measures that require long-term management are described in Section 8.2.3.11, *CM11 Natural Communities Enhancement and Management*.

8.2.2.2 Cost Contingency

The American Association of Cost Engineers defines *contingency* as a specific provision for unforeseeable elements of cost within the defined project scope. Cost uncertainties may result from not fully completed project designs at the time of permitting, unforeseen and unpredictable conditions, or uncertainties within the defined project scope. The amount of contingency will depend on the status of project designs at the time of permitting, procurement, and construction; and the complexity and uncertainties of the component parts of the project. For planning studies, standard contingencies typically range between 20 and 30%, but may be as high as 50% for experimental or special conditions. Cost estimates developed for major Plan elements, such as water facilities, tidal natural community restoration, and Yolo Bypass improvements, include various contingencies as specific cost line items. In those cases where cost contingency has not been explicitly factored into a cost estimate, a 20% contingency is added.

8.2.2.3 Financial Assumptions

Costs estimates for individual conservation measures presented in Section 8.2.3, *Conservation Measure Costs* are reported in undiscounted 2012 dollars.¹ Costs not already expressed in 2012 dollars have been converted to 2012 dollars using various price indices, including consumer price indices published by the U.S. Department of Labor and civil works construction cost indices published by USACE. Costs are reported in terms of one-time capital outlays, as well as ongoing operational costs. The summaries of total BDCP capital and operating costs presented in Section 8.2.7, *Summary of Estimated Costs* are reported in both undiscounted 2012 dollars and discounted present value dollars.² When future costs are converted to present value, a 3% real discount rate is used.³ The real discount rate was selected to be consistent with current long-term

¹ This means the estimates exclude future inflation. Reporting costs in (inflation-adjusted) constant dollars allows for a more accurate comparison of relative expenditure over time. These estimates, however, are not indicative of nominal dollar outlays that will be required over the permit period and should not be used directly for financial planning, where use of nominal values would be most appropriate.

² Discounting future outlays to present value allows for an assessment of the economic cost of total program expenditures when costs are expected to be spread over a long span of time. This is because a dollar received (or expended) in the future does not have the same value as a dollar received (or expended) today. Consider receiving \$100 today versus receiving \$100 ten years from today. By deferring the receipt of the money by ten years, it could be invested and earn a return over this period. For example, if the rate of return on investment were 5%, over ten years it would grow in value to \$163. Under this scenario, the *future value* ten years hence of \$100 today is \$163. The same principle holds in reverse. The value of receiving (or expending) \$100 ten years from today is equivalent to receiving (or expending) \$61 today. That is, the *present value* of \$100 received (or expended) 10 years from today is \$61 because that amount if invested today would yield \$100 ten years from now.

³ The real discount rate is roughly equal to the nominal rate of interest less the long-term rate of inflation.

(40 year) nominal bond yields of about 5% and a long-term expected rate of inflation of 2%, as indicated by the current spread between nominal and inflation-indexed 30-year U.S. Treasury notes.

8.2.2.4 Delta Real Estate Values and Acquisition

The Implementation Office may obtain interests in land for the purpose of physical restoration actions, resource protection, and water facilities development through various means, including the acquisition of fee title or easement. Land acquisition costs associated with Plan implementation are based on the assumptions set forth in this section.

8.2.2.4.1 Land Acquisition Requirements

Land acquisition for conservation measures other than *CM1 Water Facilities and Operation* will occur in a manner consistent with the implementation schedule for natural community protection and restoration conservation measures as described in Table 6-2, *Implementation Schedule for Natural Community Protection and Restoration Conservation Measures*, of Chapter 6, *Plan Implementation*.⁴ Some acquired acreage will serve multiple protection and/or restoration objectives, which results in differences between the amount of acreage listed in Table 6-2 and the amount of acreage that may need to be acquired for Plan implementation. These differences are summarized in Table 8-1.

Table 8-1. Land Acquisition Assumed for Cost Estimate of Protection and Restoration Conservation Measures (acres)

Conservation Measure	Chapter 6 Table 6-2	Cost Assumption	Reason for Difference
BDCP Reserve System			
<i>CM3 Natural Communities Protection and Restoration</i>			
Valley/foothill riparian	750	750	
Vernal pool complex	600	600	
Alkali seasonal wetland complex	150	150	
Grassland	8,000	8,000	Note: 1/6 of 3,000-acre rice or rice equivalent requirement listed in Table 6-2 can be satisfied through the 8,000-acre grassland reserve. This does not entail additional land acquisition.
Managed wetland (salt marsh harvest mouse habitat)	1,500	1,500	
Managed wetland (natural community)	6,600	6,600	
Cultivated lands (non-rice)	48,125	48,125	
Cultivated lands (rice)	500	1,500	Requirement 500 acres of rice per Table 6-2 plus 1/3 of the 3,000-acre rice or rice equivalent requirement.
Cultivated lands (rice or equivalent)	3,000	0	Requirement for rice or rice equivalent acres is counted under cultivated lands (rice), CM3

⁴ Land acquisition for CM1 is discussed in Section 8.2.3.1, *CM1 Water Facilities and Operation*.

Conservation Measure	Chapter 6 Table 6-2	Cost Assumption	Reason for Difference
			grassland reserve, CM8 grasslands restoration, and CM10 nontidal marsh restoration acreage requirements.
Nontidal Marsh	50	50	
Total BDCP Reserve System	69,275	67,275	
Natural Community Restoration			
<i>CM4 Tidal Natural Communities Restoration</i>	65,000	60,273	65,000 acres of tidal wetland restoration, of which 60,273 acres expected to be acquired from private landowners and 4,727 acres expected to come from existing publicly owned land.
<i>CM5 Seasonally Inundated Floodplain Restoration</i>	10,000	11,105	1,105 acres added to accommodate levee footprints needed for restoration
<i>CM6 Channel Margin Enhancement (miles)</i>	0	63	63 acres added to accommodate levee footprints needed for enhancement actions
<i>CM7 Riparian Natural Community Restoration</i>	5,000	971	Of the 5,000 acres of riparian habitat, 4,029 are expected to be developed on lands acquired as part of CM5 and CM6. Riparian restoration associated with CM4 will require acquisition of an additional 971 acres. Thus, CM7 has a net land acquisition requirement of only 971 acres.
<i>CM8 Grassland Natural Community Restoration</i>	2,000	2,500	2,000 acres of grassland restoration per Table 6-2 plus 1/6 of the 3,000-acre rice or rice equivalent requirement.
<i>CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration</i>			
Vernal pool complex	67	67	
Alkali seasonal wetland	72	72	
<i>CM10 Nontidal Marsh Restoration</i>			
Nontidal marsh restoration	1,200	2,200	1,200 acres of nontidal marsh restoration per Table 6-2 plus 1/3 of the 3,000-acre rice or rice equivalent requirement.
Managed wetland	500	500	
Total Natural Community Restoration	83,839	77,751	
Total Acquisition and Restoration	153,114	145,026	

1

2 **8.2.2.4.2 Land Value Assumptions**

3 Different land value assumptions apply to Delta lands within the Restoration Opportunity Areas
 4 (ROA) and lands outside of these areas to reflect differences in soil characteristics, productivity, and
 5 market opportunities.

ROA Land Value Assumptions. For cost estimation, ROA lands are grouped into the following land use categories.⁵

- Field and pasture crop production (pasture, hay, grain, and other field crops)
- Vegetable crop production
- Orchard
- Vineyard
- Native vegetation

The acreage-weighted average value of land in each ROA is summarized in Table 8-2. The estimates are derived from value ranges published by the California Chapter of the American Society of Farm Managers and Rural Appraisers (CSFMRA) in 2009. The following CSFMRA value ranges were used to estimate values for each land use category. In all cases, the value is set to the average of the low and middle values of the CSFMRA value range.⁶

- **Field and pasture.** CSFMRA Region 1 (Subregion: South Sutter, Western Placer, Solano, and Yolo Counties) land values for Class II/III cropland were used to estimate values for the Cache Slough, Suisun Marsh, and Yolo Bypass ROAs. CSFMRA Region 3 (Subregion: San Joaquin County) land values for Delta lands were used to estimate values for the Cosumnes/Mokelumne, South Delta, and West Delta ROAs.
- **Vegetable crops.** CSFMRA Region I (Subregion: South Sutter, Western Placer, Solano, and Yolo Counties) land values for Class I/II cropland were used to estimate values for the Cache Slough, Suisun Marsh, and Yolo Bypass ROAs. CSFMRA Region 3 (Subregion: San Joaquin County) land values for Delta lands were used to estimate values for the Cosumnes/Mokelumne, South Delta, and West Delta ROAs.
- **Orchards.** CSFMRA Region I (Subregion: South Sutter, Western Placer, Solano, and Yolo Counties) land values for pear orchards were used to estimate values for the Cache Slough, Suisun Marsh, and Yolo Bypass ROAs. CSFMRA Region 3 (Subregion: San Joaquin County) land values for cherry orchards were used to estimate values for the Cosumnes/Mokelumne, South Delta, and West Delta ROAs.
- **Vineyards.** CSFMRA Region I (Subregion: South Sutter, Western Placer, Solano, and Yolo Counties) land values for vineyards were used to estimate values for the Cache Slough, Suisun Marsh, and Yolo Bypass ROAs. CSFMRA Region 3 (Subregion: San Joaquin County) land values for wine grapes were used to estimate values for the Cosumnes/Mokelumne, South Delta, and West Delta ROAs.

⁵ California Department of Water Resources (DWR) land use survey data at the detailed analysis unit level were used to classify existing ROA land uses. The DWR Land and Water Use Program collects land use data and develops water use estimates used in statewide water planning. It accomplishes this by conducting surveys of agricultural, urban and environmental land uses, and developing annual estimates of land uses on a regional basis. Since 1986, DWR has compiled land use survey data into georeferenced digital maps. The smallest level of resolution for these maps is the detailed analysis unit, the smallest study area used by DWR, generally defined by hydrologic features or boundaries or organized water service agencies. In the major agricultural areas, a detailed analysis unit typically includes 100,000 to 300,000 acres.

⁶ A comparison of the CSFMRA land values with a sample of parcel-level assessment values (updated to reflect current market conditions) for each ROA showed that ROA land values tended to cluster in the bottom third of the CSFMRA value range for each crop classification.

- **Native vegetation.** Land values for native vegetation were derived from parcel-level county assessment data for each ROA.⁷

Table 8-2. Restoration Opportunity Area Land Value Assumptions

Restoration Opportunity Area and Yolo Bypass	Average Fee Title Value ^a (\$/Acre)
Cache Slough ROA	\$4,100
Cosumnes/Mokelumne ROA	\$5,600
South Delta ROA	\$5,500
Suisun Marsh ROA	\$3,600
West Delta ROA	\$3,200
Yolo Bypass	\$4,200
Notes:	
^a Average fee value is the acreage-weighted average value (rounded to nearest \$100) based on the hypothetical tidal natural communities restoration footprints used to cost CM4, except in the case of Yolo Bypass, where it is the acreage-weighted average value for the entire bypass.	

Non-ROA Land Value Assumptions. A similar procedure was used to estimate land values for agricultural and native vegetation land uses for the broader Delta. In the case of non-ROA land, the expected value was set to the midpoint of the CSFMRA value range because of the higher fraction of prime farmland outside of the ROAs. Land values by Conservation Zone and land use category used later in the chapter to estimate land acquisition costs for terrestrial conservation measures and water facilities are shown in Table 8-3.

8.2.2.4.3 Easement Values

Easement values in the Delta vary widely, depending on type of easement and restrictions placed on land use. Expressed as a percent of fee title value, surface easement costs may range between 10% and 90% while subsurface easements may range between 30 and 50% (Davis pers. comm.). For estimating land easement costs, the upper end of these ranges was used. Habitat conservation easements, which typically entail significant restrictions on land use, were set to 80% of the fee title value; agricultural easements were set to 60% of fee title value; and subsurface easements were set to 40% of fee title value. The amount of land that will be acquired by fee title versus easement is expected to vary by conservation measure. The relative shares of each that were assumed for cost estimation are presented as part of each conservation measure's cost estimate.

⁷ Parcels with assessments made between 2000 and 2009 and having at least two-thirds of their land uses classified as native vegetation were used to estimate the average value of land classified as native vegetation in the ROAs. Assessed values were adjusted using the U.S. Department of Agriculture's California land value index for nonirrigated farmland to reflect changes in rural land values since the time of the assessment (U.S. Department of Agriculture 2010).

1 **Table 8-3. Non-ROA Delta Land Value Assumptions**

Conservation Zone	County	CSFMRA Region	Fee-Title Value \$/Acre (2012 dollars) ^a					
			Native Veg. ^b	Range land	Pasture/Alfalfa	Field Crop	Truck Crop	Orchard/Vineyard
1	Solano	Region One: South Sutter, Western Placer, Solano and Yolo Counties	\$1,621	\$3,259	\$3,180	\$7,261	\$8,744	\$9,539
2	Yolo	Region One: South Sutter, Western Placer, Solano and Yolo Counties	\$1,621	\$3,259	\$3,180	\$7,261	\$8,744	\$9,539
3	Yolo, Sacramento	Region One: South Sutter, Western Placer, Solano and Yolo Counties	\$1,621	\$3,259	\$3,180	\$7,261	\$8,744	\$9,539
4	San Joaquin, Sacramento	Region Three: Lodi Region	\$1,621	\$3,259	\$11,659	\$13,779	\$15,899	\$17,489
5	San Joaquin, Sacramento	Region Three: Delta Lands	\$1,621	\$3,259	\$3,710	\$6,095	\$8,479	\$17,489
6	San Joaquin, Contra Costa	Region Three: Delta Lands	\$1,621	\$3,259	\$3,710	\$6,095	\$8,479	\$17,489
7	San Joaquin	Region Three: Westside	\$1,621	\$3,259	\$8,479	\$10,599	\$12,719	\$17,489
8	San Joaquin, Contra Costa, Alameda	Region Three: Westside	\$1,621	\$3,259	\$8,479	\$10,599	\$12,719	\$17,489
9	Contra Costa	Region Three: Westside	\$1,621	\$3,259	\$8,479	\$10,599	\$12,719	\$17,489
10	Contra Costa	Region Three: Westside	\$1,621	\$3,259	\$8,479	\$10,599	\$12,719	\$17,489
11	Solano	Region One: South Sutter, Western Placer, Solano and Yolo Counties	\$1,621	\$3,259	\$3,180	\$7,261	\$8,744	\$9,539

Notes:

^a Average fee value (rounded to nearest \$100) for specific land use categories by county. Fee values based on midpoint CSFMRA land value estimate for CSFMRA regional estimate for which county is located.

^b The native vegetation land costs are based on parcel-level county assessor data for Delta ROA footprints, adjusted for when the parcel was placed on the tax roll. The estimate only applies to Delta lands classified as native vegetation by DWR and does not apply to rangeland. Rangeland values are drawn from California Society of Farm Managers and Rural Appraisers publications. The differential in rangeland values reflects the relative urban development pressures in the different counties. Within the legal Delta itself, land values reflect very limited development opportunities. There would be a significant difference depending on which side of the legal Delta line the property lays. Lands classified as native vegetation have very limited or no agricultural potential and therefore much lower land values than other categories.

CSFMRA = California Chapter of the American Society of Farm Managers and Rural Appraisers.

2

8.2.2.4.1 Land Acquisition Transaction Costs

Purchase of interests in land, either through fee title or through easements, for the purpose of carrying out restoration actions, ensuring the protection of resources, and undertaking construction of water facilities, is assumed to involve transactional costs in addition to the price paid for that property interest. For cost estimation, these costs are assumed to average 10% of the fee-title value of the acquired land. This assumption is based on a detailed parcel-level analysis of expected transaction costs—including costs for due diligence, pre-acquisition surveys, and real estate and legal services—completed for CM4.

8.2.2.5 Staff Salary Costs and Benefits Multiplier

The Implementation Office will build a staff to oversee or carry out the actions outlined in the Plan (Chapter 7, *Implementation Structure*). The salary cost estimates associated with these personnel needs are based on proposed fiscal year 2008–2009 salary scales for reference positions in various departments of the California Natural Resources Agency (California Department of Finance 2008), updated to 2012 dollars (see Appendix 8.A, *Implementation Costs Supporting Materials*, for salary assumptions). A benefits multiplier of 1.35 is applied to salary and wage costs to account for certain assumed benefits, such as paid leave, health insurance, and pensions.⁸ Salary and benefit cost estimates are marked up an additional 15% to accommodate differences in state salary and benefit compensation rates compared to rates for the federal and private sectors.

8.2.3 Conservation Measure Costs

This section describes the data, methods, and assumptions used to estimate the cost of implementing the conservation measures. Estimation methods differ by conservation measure, depending on the conceptual and engineering design and cost data available at the time of plan formulation. The approach taken for each conservation measure and the sources of data and other information used for the analysis are described in the following subsections.

8.2.3.1 CM1 Water Facilities and Operation

Cost estimates for *CM1 Water Facilities and Operation* are presented for the design, project management, construction management of the water conveyance facilities; the intake and conveyance construction costs; the construction cost contingency; land acquisition; annual operation, maintenance, power, and capital replacement. The construction and operating cost estimates were prepared by the Delta Habitat Conservation and Conveyance Program (DHCCP) and are based on the *Modified Pipeline/Tunnel Option (MPTO) 2013 Conceptual Engineering Report* (MPTO CER 2013).

Facility features are summarized in Table 8-4. Estimated costs for land acquisition, facility construction, and facility operation are summarized in Table 8-5. The following data and assumptions underlie the cost estimates.

⁸ The multiplier is based on average benefits paid by state and local governments as a percent of total employee compensation in 2009, as reported by the U.S. Bureau of Labor Statistics (BLS 2009).

1 **Table 8-4. Summary of Intake and Conveyance Facility Features**

Item	Quantities			
Intake capacity	9,000 cfs			
Intake pumping plants	3 at 3,000 cfs each			
Installed power demand	50-60 megawatts			
Surge towers	5 each, one at each pumping plant site			
Tunnels	Two 40-foot diameter at 30.2 miles, two 29-foot diameter at 11.5 miles total, and one 20-foot diameter at 2.5 miles			
Canals	Approximately 10,000 feet of canal segments connecting the modified Clifton Court Forebay with existing approach canals to the Banks and Jones Pumping Plants			
Box culvert siphons	3			
Forebay total acreage	3,195 acres (includes emergency spillway inundation area associated with the Intermediate Forebay and the total final area for the modified Clifton Court Forebay)			
New bridges	None			
Estimated Non-State Owned Acreage Required for Right-Of-Way, Staging, and Borrow Site Footprints, by Land Use and County				
Surface Acreage	Alameda/ Contra Costa	Sacramento	San Joaquin	Total
Ag—field crop/grazing	1,394	865	2,346	4,605
Ag—truck crop	3	288	90	381
Ag—orchard	5	194	0	199
Ag—vineyard	9	100	0	109
Semiagricultural	129	67	85	281
Urban	36	39	23	98
Native	365	130	228	723
Total surface acreage	1,941	1,683	2,772	6,396
Subsurface Acreage				
Ag—field crop/grazing	19	85	501	605
Ag—truck crop	0	42	51	93
Ag—orchard	0	5	0	5
Ag—vineyard	0	71	0	71
Semiagricultural	2	8	16	26
Urban	0	5	4	9
Native	1	10	90	101
Total subsurface acreage	22	226	662	910
ag = agriculture; cfs = cubic feet per second				

- 2
- 3 **Land acquisition.** The cost estimate for land acquisition and related expenditures is \$161.2 million.
- 4 The cost estimate is composed of five parts: (1) fee-title acquisition of land for facility right-of-way
- 5 and construction, (2) easement acquisition of subsurface right-of-way, (3) purchase of affected
- 6 mineral rights along the facility right-of-way, (4) real estate transaction cost, and (5) contingency.

The estimated cost of each cost element is shown in Table 8-5. Acquisition of surface acreage for facility right-of-way and construction is expected to comprise the majority of the cost for land acquisition.

Facility construction. Construction of the conveyance facility, including contingency and construction management, is estimated to cost \$14.4 billion. Direct construction costs tally to \$9.2 billion and derive from the *DHCCP Modified Pipeline/Tunnel Option (MPTO) 2013 Conceptual Engineering Report* (DHCCP 2013). The estimate of direct construction cost is based on a 10% engineering design level and has an expected accuracy range of +50% to -25%, per the cost estimating classification system developed by the Association for the Advancement of Cost Estimating (2011). Contingencies for tunnel construction and other construction elements are \$2.64 billion and \$657.7 million, respectively. Estimated cost of final design and construction/project management is \$1.9 billion.

The estimate of direct construction cost relies on a combination of unit prices developed for similar work in various locations around the United States; historical unit prices compiled over time by DHCCP staff; average unit prices recorded by the California Department of Transportation (Caltrans) (2007a); budgetary vendor pricing; and estimates developed specifically for portions of work by DHCCP cost estimators. Unit prices were converted to 2012 dollars using Reclamation index charts or other methods (Bureau of Reclamation 2011a).

Facility construction elements were separated into a logical division of work such as constructing river intake structures, pumping plants, conveyance pipelines, canals, culvert siphons, tunnels, bridges, utilities, forebays, controls and communications infrastructure, and power supply and grid connections. Major project components were further subdivided into subcomponents until discrete activities could be identified and either unit prices or a detailed estimate could be applied.

The following key assumptions were adopted to estimate direct construction cost.

- Land will be acquired to provide enough soil to construct each facility (e.g., canal and forebay embankments, pumping plant pads). These borrow sites will be within a 5-mile haul (one way, using off-highway equipment).
- All excess or unsuitable soil will be deposited (spoiled) within a 1-mile haul from the facility (one-way, using off-highway equipment).
- The soil can be dewatered effectively.
- The installation of sheet-pile cofferdams will occur during allowable seasonal windows; however, once cofferdams are in place, work within the cofferdam will occur year round.
- Tunneling work may continue at all hours on all days; all other work is expected to be performed on a 5-day, 10-hour shift basis with two shifts per day.
- Labor rates are based on prevailing wage determinations made by the Director of Industrial Relations for northern California and Sacramento, San Joaquin, Yolo, Solano and Contra Costa Counties. Employer cost as well as overhead was calculated and special shift arrangements were factored for overtime.
- Equipment rates are based on USACE guidelines (2005), Caltrans (2007b) Labor Surcharge and Equipment Rental Rates, and quotes from northern California equipment rental companies, updated to 2012 dollars.

- Material costs are based on quotes received from various northern California material vendors. Pumping plant equipment quotes were provided by major national and international suppliers (e.g., pumps, valves).

Facility operation and capital replacement. Estimated facility operation and capital replacement costs over the 50-year permit period total \$1.456 billion. Operating costs are composed of three components: (1) power costs for pumping and other operations, (2) other facility O&M, and (3) capital replacement.

Estimated costs for power are derived from dynamically simulated diversion flows using CALSIM II and operating rules in the Delta Simulation Model II (see Chapter 5, Section 5.2, *Methods*, for descriptions of these hydrologic models). DHCCP cost estimators used simulation results to characterize typical diversion volumes during wet, normal, and dry year hydrologic conditions. Power requirements for pumping are a function of the pumping flow rate, total dynamic head, and combined efficiency of the pumps and motors. Power requirements for pumping were increased by 15% to account for all other project power uses (e.g., heating, ventilating, and air conditioning; general operations and maintenance [O&M]; lighting). Annual power costs are based on a combination of Western Area Power Administration unit energy costs, estimates of bulk power purchased in northern California, and an estimate of CVP-generated power for 40% of pumped water. The estimate accounts for pricing differentials in peak and off-peak power purchases.

General O&M costs inclusive of salary costs, including benefits and overhead, and normal operating and facility maintenance costs are assumed to begin in year 11 of plan implementation and average \$18.85 million per year through the end of the permit period. General O&M costs are based on similar costs for existing SWP operations.

Replacement costs for major equipment (e.g., pumps, motors, high voltage switchgear) are assumed to begin in year 21 of plan implementation and average \$15 million per year through the end of the permit period. The capital replacement rate is derived from the initial capital cost estimate and rates of depreciation and replacement observed for existing SWP facilities.

1 **Table 8-5. Cost Estimate for Water Facility Construction**

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions)			50-Yr Permit Term Total Expenditure (Millions)
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Land Acquisition				
Surface footprint, staging, borrow sites	\$8.6	\$0.0	\$0.0	\$85.5
Subsurface easements	\$0.4	\$0.0	\$0.0	\$4.3
Mineral rights and gas well relocation	\$3.2	\$0.0	\$0.0	\$32.3
Due diligence & transaction costs	\$1.2	\$0.0	\$0.0	\$12.2
Subtotal	\$13.4	\$0.0	\$0.0	\$134.3
Contingency (20%)	\$2.7	\$0.0	\$0.0	\$26.9
Total Land Acquisition	\$16.1	\$0.0	\$0.0	\$161.2
Construction				
River intake #2 with pumping plant	\$34.9	\$0.0	\$0.0	\$348.8
River intake #3 with pumping plant	\$27.1	\$0.0	\$0.0	\$270.7
River intake #5 with pumping plant	\$30.3	\$0.0	\$0.0	\$303.2
Intermediate forebay & flow control structures	\$7.1	\$0.0	\$0.0	\$70.9
Byron Tract Forebay & flow control structures	\$61.9	\$0.0	\$0.0	\$619.4
North tunnels & shafts	\$101.8	\$0.0	\$0.0	\$1,017.9
Main tunnels & shafts	\$622.0	\$0.0	\$0.0	\$6,219.6
Access, power delivery & utility relocations	\$31.7	\$0.0	\$0.0	\$316.5
Communications & control	\$2.3	\$0.0	\$0.0	\$23.4
Subtotal	\$919.0	\$0.0	\$0.0	\$9,190.4
Tunneling contingency	\$264.2	\$0.0	\$0.0	\$2,641.7
All other contingency	\$65.8	\$0.0	\$0.0	\$657.7
Construction w/ Contingency Subtotal	\$1,249.0	\$0.0	\$0.0	\$12,489.8
Project management, construction management, and final design	\$192.0	\$0.0	\$0.0	\$1,919.9
Total Construction	\$1,441.0	\$0.0	\$0.0	\$14,409.7
Total Capital	\$1,457.1	\$0.0	\$0.0	\$14,570.9
Operations & Maintenance (O&M) Costs				
Power	\$0.00	\$6.25	\$6.25	\$250.0
Facility O&M	\$0.00	\$18.85	\$18.85	\$754.0
Capital replacement	\$0.00	\$0.00	\$12.91	\$452.0
Total O&M	\$0.00	\$25.10	\$38.01	\$1,456.0
Notes: The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error. O&M = operations and maintenance				

2

3 **8.2.3.2 CM2 Yolo Bypass Fisheries Enhancement**

4 With *CM2 Yolo Bypass Fisheries Enhancement*, the Implementation Office will provide for the
5 implementation of physical modifications within the Yolo Bypass to enhance floodplain habitat for
6 spawning and rearing splittail and rearing habitat of juvenile Sacramento River salmonids, as
7 described in Chapter 3, *Conservation Strategy*. The measure includes development of a fisheries
8 enhancement plan for the Yolo Bypass to determine the best approaches for achieving biological
9 objectives.

1 Acquisition of flood and levee easements needed for CM2 is estimated to cost \$33 million.
2 Modification of existing and construction of new bypass facilities are estimated to cost \$682 million.
3 Estimated costs are summarized in Table 8-6. The cost estimates are based on the following data
4 and assumptions.

5 **Easements.** Modification of existing and addition of new flood easements may be required in the
6 eastern, central, and western parts of the bypass. Additionally, modification of the existing bypass
7 facilities may require additional easements to accommodate levee footprints. The flood easement
8 cost estimate is based on farm income losses in the bypass estimated by Howitt et al. (2012). This
9 study estimated more frequent and longer duration bypass flooding under CM2 could result in loss
10 of agricultural income of approximately \$740,000 per year. The flood easement cost estimate is set
11 to the capitalized value of these losses over the 50-year permit period, which is \$19.8 million. In
12 addition to the cost of flood easements, a lump sum allowance of \$5.2 million is added to the
13 estimate to account for possible easements needed to accommodate levee footprints. Transaction
14 cost and 20% contingency add an additional \$8.0 million to the estimate.

15 **Construction.** The preferred design of Yolo Bypass improvements will not be determined until
16 completion of the fisheries enhancement plan. For purposes of cost estimation, construction of the
17 following proposed improvements has been assumed.

- 18 • **Fremont Weir fish ladder replacement.** The existing Fremont Weir Denil fish ladder will be
19 removed and replaced with a new salmonid passage facility. Specific design criteria have not yet
20 been determined. This facility will incorporate monitoring technologies to allow for collection of
21 information to evaluate its efficacy at passing adult fishes.
- 22 • **Experimental sturgeon ramps.** One or more experimental ramps will be constructed at the
23 Fremont Weir to allow for the effective passage of adult sturgeon and lamprey. Specific design
24 criteria for the ramps have not yet been determined. This facility will incorporate monitoring
25 technologies to allow for collection of information to evaluate its efficacy at passing adult fishes.
- 26 • **Deep fish passage gates and channel.** To enhance adult fish passage through the Fremont
27 Weir, as part of modifications to the Fremont Weir, a deep fish passage notch will be cut through
28 a much smaller section of the Fremont Weir to an elevation of 11.5 feet North American Vertical
29 Datum of 1988 (NAVD88). This notch will be fitted with operable fish passage gates that will
30 allow controlled flow into the Yolo Bypass. A fish passage channel will be excavated to convey
31 water from the Sacramento River to the new fish passage gates and from the fish passage gates
32 to the Tule Canal.
- 33 • **Stilling basin modification.** Modifications will be made to the existing Fremont Weir stilling
34 basin to ensure that the basin drains sufficiently into the deep fish passage channel.
- 35 • **Sacramento Weir improvements.** Modifications will be made to reduce leakage at the
36 Sacramento Weir and therefore reduce attraction of fish from the Yolo Bypass to the weir. For
37 comparative analysis purposes, the fisheries enhancement plan will review the benefits and
38 necessity of constructing fish passage facilities at the Sacramento Weir to reduce juvenile fish
39 stranding and improve upstream adult fish passage. This action may require excavation of a
40 channel to convey water from the Sacramento River to the Sacramento Weir and from the
41 Sacramento Weir to the toe drain, construction of new gates at a portion of the weir, and minor
42 modifications to the stilling basin of the weir to ensure proper basin drainage. Specific design
43 criteria for ramps have not been determined. It is not certain at this time whether the
44 Sacramento Weir improvements will be required.

- 1 • **Tule Canal/toe drain and Lisbon Weir improvements.** The fisheries enhancement plan will
2 include physical modifications to passage impediments, including road crossings and
3 agricultural impoundments in the Tule Canal/toe drain to improve fish passage and survival.
4 The cost estimate assumes the replacement of three existing structures at the northern end of
5 the Tule Canal with bridges or other structures to allow adult fish passage. Lisbon Weir will be
6 redesigned to improve fish passage while maintaining or improving water capture efficiency for
7 irrigation.
- 8 • **Lower Putah Creek improvements.** Lower Putah Creek will be realigned to improve upstream
9 and downstream passage of Chinook salmon and steelhead in Putah Creek and floodplain
10 restoration to provide benefits for multiple species on existing public lands.
- 11 • **Fremont Weir modification.** The Fremont Weir will be modified to manage the timing,
12 frequency, and duration of inundation of the Yolo Bypass with Sacramento River flows. It was
13 assumed a section of the Fremont Weir will be lowered to 17.5 feet (NAVD88) and fitted with
14 operable gates that will allow for controlled flow into the Yolo Bypass when the Sacramento
15 River stage at the weir exceeds 17.5 feet. New flood channels would be excavated to connect the
16 Sacramento River to the new gate structure and to connect the new gate structure to the Yolo
17 Bypass.
- 18 • **Yolo Bypass modification.** Tule Canal/toe drain channel capacities will be reduced through
19 grading, removing existing berms, levees, and water control structures, constructing berms or
20 levees, reworking agricultural delivery channels, and providing earthwork or structures to the
21 extent necessary to improve the distribution (e.g., wetted area) and hydrodynamic
22 characteristics (e.g., residence times, flow ramping, and recession) of water moving through the
23 Yolo Bypass. The fisheries enhancement plan will include modifications to allow water to
24 inundate in certain areas of the bypass to maximize biological benefits. It will keep water away
25 from other areas to reduce stranding of covered fish species in isolated ponds, minimize effects
26 on terrestrial covered species (e.g., giant garter snake), and accommodate other existing land
27 uses (e.g., wildlife, public, and agricultural use areas). If necessary, lands will be acquired, in fee-
28 title and through conservation or flood easements.
- 29 • **Westside option.** The fisheries enhancement plan will include a feasibility study and evaluation
30 of a gated channel to provide flows into Yolo Bypass along the west side. Potential flow sources
31 are the Sacramento River, Colusa Basin Drain or Sacramento River flows through Knights
32 Landing Ridge Cut, or augmentation of other western tributaries. Some modification of the
33 existing configuration of the discontinuous channels along the western edge of the Yolo Bypass
34 may also be required. If effective at meeting biological objectives, this option could be included
35 in the implementation of the conservation measure. It is uncertain at this time whether a gated
36 channel will need to be constructed.

37 For cost estimation, it is assumed Yolo Bypass enhancement elements will be constructed between
38 year 1 and 10 of Plan implementation. Low and high construction costs for each element were
39 estimated by DHCCP (Delta Habitat Conservation and Conveyance Program 2010). The midpoints of
40 these ranges are summarized here. These are Class 4 cost estimates with an expected accuracy
41 range of +120 to -60%. A 50% contingency is added to the direct construction cost estimate to
42 account for the substantial cost uncertainties associated with the bypass construction elements at
43 this stage in the planning process. Total construction costs, including contingency, are estimated at
44 \$682 million.

1 **Table 8-6. Cost Estimate for Yolo Bypass Fisheries Enhancement**

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Yr Permit Term Total Expenditure (Millions)
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Land Acquisition				
Easement costs	\$2.5	\$0.0	\$0.0	\$25.0
Due diligence & transaction costs	\$0.3	\$0.0	\$0.0	\$2.5
Subtotal	\$2.8	\$0.0	\$0.0	\$27.5
Contingency (20%)	\$0.6	\$0.0	\$0.0	\$5.5
Total Land Acquisition	\$3.3	\$0.0	\$0.0	\$33.0
Construction				
Planning, preliminary engineering & permitting	\$3.0	\$0.0	\$0.0	\$30.0
PM/CM/final design	\$10.1	\$0.0	\$0.0	\$101.1
Fremont Weir fish facilities	\$16.1	\$0.0	\$0.0	\$161.3
Other civil/site Work near Fremont Weir	\$1.1	\$0.0	\$0.0	\$11.2
Sacramento Weir	\$4.9	\$0.0	\$0.0	\$49.5
Lisbon Weir	\$2.4	\$0.0	\$0.0	\$24.3
Los Rios check structure	\$1.8	\$0.0	\$0.0	\$17.5
Putah Creek gate structure	\$1.7	\$0.0	\$0.0	\$17.5
Putah Creek realignment	\$1.2	\$0.0	\$0.0	\$12.1
West Side supply element	\$3.0	\$0.0	\$0.0	\$30.3
Subtotal	\$45.5	\$0.0	\$0.0	\$454.7
Contingency (50%)	\$22.7	\$0.0	\$0.0	\$227.3
Total Construction	\$68.2	\$0.0	\$0.0	\$682.0
Total Capital	\$71.5	\$0.0	\$0.0	\$715.0
In undiscounted 2012 dollars. The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error. PM = project management; CM = construction management				

2

3 **8.2.3.3 CM3 Natural Communities Protection and Restoration**

4 With *CM3 Natural Communities Protection and Restoration*, the Implementation Office will provide
5 for the establishment of a reserve system to protect, restore, and enhance areas of existing natural
6 communities and covered species habitat, protect and maintain occurrences of selected plant
7 species with very limited distributions, and provide habitat connectivity among the various BDCP

conservation lands in the reserve system. This section presents land acquisition costs for the protection of existing natural communities.⁹

Land acquisition. The cost estimate for land acquisition needed for the implementation of CM3 is \$460.1 million. The Plan implementation period in which land would be acquired is based on the schedule shown in Table 8-7. The cost estimate is summarized in Table 8-8. The cost estimate is comprised of four parts: (1) fee-title acquisition of reserve land, (2) easement acquisition of reserve land, (3) real estate transaction cost, and (4) contingency. Acreages used for cost estimation are those shown in Table 8-2. This schedule is derived from the implementation schedule in Table 6-2, *Implementation Schedule for Natural Community Protection and Restoration Conservation Measures*, of Chapter 6, *Plan Implementation*.¹⁰ Specific assumptions used to estimate fee-title, easement, and transaction costs are as follows.

- **Fee-title cost.** For cost estimation, it is assumed fee-title interest in land needed for the protection of specific natural communities would be purchased. This includes establishment of reserves for vernal pool complex, alkali seasonal wetland complex, valley/foothill riparian, grassland, managed wetland, nontidal perennial aquatic, and nontidal freshwater perennial emergent wetland. Purchase of fee-title interest in land for these purposes is estimated to cost \$114.8 million. The estimate is based on the weighted average value of land in each Conservation Zone from which land will need to be acquired. Calculation details are provided in Appendix 8.A, *Implementation Costs Supporting Materials*.
- **Easement cost.** For cost estimation, it is assumed conservation easements would be used to secure 80% of the cultivated habitat reserve. The cost estimate for conservation easements is \$228.6 million.¹¹ The estimate is based on the weighted average value of land in each Conservation zone from which land for the cultivated habitat reserve will need to be acquired. Calculation details are provided in Appendix 8.A, *Implementation Costs Supporting Materials*.
- **Transaction and contingency costs.** Transaction and contingency cost estimates are \$40.1 and \$76.7 million, respectively.¹²

⁹ The costs for acquiring lands needed for the restoration of natural communities are not counted here. Rather, they are included as part of the cost estimates for the natural communities restoration conservation measures (CM4-CM10).

¹⁰ These assumptions have been developed only for the purposes of the cost estimate and do not reflect permit conditions. Actual acquisition by conservation zone and period will likely differ from these assumptions but is expected to be within the estimated overall cost.

¹¹ Conservation easement cost is set to 80% of the fee-title land value, per Section 8.2.2.4.3.

¹² The cost analysis assumes that fee-title and easement purchases would have similar transaction costs per acre, which would average 10% of the fee-title value of the land. Because easement cost is set to 80% of fee-title value, the calculation of transaction cost in Table 8-8 is $(\$114.8 + \$228.6/0.8) \times 0.1 = \40.1 million.

1 **Table 8-7. Land Acquisition Schedule for Reserve System**

Conservation Measure	Total Acquisition Requirement (acres)	Percent of Acquisition by 5-Year Time Periods									
		Near-Term		Early Long-Term	Late Long-Term						
					1 to 5	6 to 10	11 to 15	16 to 20	21 to 25	26 to 30	31 to 35
CM3 Natural Communities Protection and Restoration											
Valley/foothill riparian	750	53%	47%	0%	0%	0%	0%	0%	0%	0%	0%
Vernal pool complex	600	33%	33%	33%	0%	0%	0%	0%	0%	0%	0%
Alkali seasonal wetland complex	150	0%	80%	3%	3%	3%	3%	3%	3%	0%	0%
Grassland	8,000	13%	13%	13%	13%	13%	13%	13%	13%	0%	0%
Managed wetland	8,100	23%	36%	7%	7%	7%	7%	7%	7%	0%	0%
Cultivated lands	49,625	16%	16%	13%	11%	11%	11%	11%	11%	0%	0%
Nontidal marsh	50	20%	30%	10%	10%	10%	10%	10%	0%	0%	0%
Total Acquisition	67,275	17%	19%	12%	11%	10%	10%	10%	10%	0%	0%

2

Table 8-8. Cost Estimate for Land Acquisition to Protect Existing Natural Communities

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Land Acquisition				
Fee-title costs	\$3.98	\$2.87	\$1.73	\$114.8
Easement costs	\$7.29	\$5.98	\$3.59	\$228.6
Due diligence & transaction costs	\$1.31	\$1.03	\$0.62	\$40.1
Subtotal	\$12.59	\$9.88	\$5.95	\$383.5
Contingency (20%)	\$2.52	\$1.98	\$1.19	\$76.7
Total Land Acquisition	\$15.10	\$11.85	\$7.14	\$460.1
Notes:				
^a In undiscounted 2012 dollars				
The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				

8.2.3.4 CM4 Tidal Natural Communities Restoration

With *CM4 Tidal Natural Communities Restoration*, the Implementation Office will provide for the restoration of 65,000 acres of tidal perennial aquatic, tidal mudflat, tidal freshwater emergent wetland, and tidal brackish emergent wetland natural communities in the ROAs (Figure 3.2-2, *Conservation Zones and Restoration Opportunity Areas*, in Chapter 3, *Conservation Strategy*). Tidal natural communities will be restored along a contiguous gradient encompassing shallow subtidal aquatic, tidal mudflat, and tidal marsh plain. The restoration will be phased to develop 19,150 acres by year 10, 29,800 acres (cumulative) by year 15, and 65,000 acres (cumulative) by year 40 of Plan implementation. The cost estimate of acquisition of land needed for implementation of CM4 is \$376.5 million. The cost estimate for constructing and restoring tidal natural communities on acquired lands is \$1.49 billion. The cost estimate for CM4 is summarized in Table 8-9, and is based on the following data and assumptions.

Land acquisition. For cost estimation, it is assumed purchase of fee-title interest in 60,273 acres of land will be required. The remainder of the land needed to meet CM4's 65,000-acre restoration target is assumed to come from land already owned by the state. The cost estimate for purchasing fee-title interest in 60,273 acres of land across five different restoration opportunity areas (ROAs) is \$293.9 million. The estimate derives from the weighted average value of land within each of the five ROAs in which CM4 will be implemented.¹³ Calculation details are provided in Appendix 8.A, *Implementation Costs Supporting Materials*. Transaction and contingency costs add an additional \$82.6 million to the estimate, bringing the total cost for land acquisition to \$376.5 million.

¹³ Land requirements for each ROA were derived from preliminary tidal marsh restoration footprints based on modeling conducted for the effects analysis (Chapter 5, *Effects Analysis*, and Appendix 5.E, *Habitat Analysis*).

Construction. Tidal natural community restoration is estimated to cost \$1.53 billion. A breakdown of restoration costs by major construction element is provided in Table 8-9.

- **Grading and fill costs.** Restoration costs, especially in the West Delta, are strongly influenced by the amount of mass grading and fill required to achieve desired elevations for tidal and subtidal areas. The cost estimate assumes restoration will not occur in the most deeply subsided parts of the Delta. Mass grading and fill assumptions used to estimate restoration cost for each ROA are as follows.

 - **Suisun Marsh.** The cost estimate assumes no mass grading will be required. Suisun Marsh has a relatively high potential for estuarine deposition to raise elevations from subtidal to intertidal compared to the Delta ROAs. In addition, because of the regional geomorphic setting of Suisun Marsh, the tide signal is not expected to be as compressed as modeled in the long term, resulting in a relatively high extent of intertidal area created without fill placement.
 - **West Delta.** Restoration areas on subsided West Delta islands will be filled with hydraulically placed dredged material to create a mix of approximately 20% intertidal and 80% subtidal area in all except the most deeply subsided areas (deeper than approximately 9 feet below mean lower low water (MLLW). Dutch Slough site mass grading will consist of land-based fill placement (from local borrow and the Ironhouse Sanitary parcel), per the current DWR restoration plan (Philip Williams & Associates 2006). Existing artificial fill above intertidal elevations will be removed at no cost to the project. West Delta fill costs are based on estimated costs of placing dredged material and the planning-level cost estimate for Dutch Slough.
 - **Cache Slough, South Delta, and Cosumnes-Mokelumne.** For these ROAs, the cost estimate assumes no mass grading will be required. Some cut and fill may be required. To estimate the volume of fill required, it is assumed that lands with elevations up to 1 foot above mean higher high water (MHHW) will be lowered to the MHHW elevation. The cut material will then be placed in shallow subtidal areas to raise them up to the MLLW elevation. Costs for the Cache Slough ROA are based on the assumption that earthmoving will be phased over several decades, requiring interim stockpiling of fill material on one or more parcels. Cut and fill areas are broadly categorized based on anticipated haul distances, and the need for interim stockpiling. Unit costs for cut and fill operations are based on grading and fill costs for a sample of regional tidal marsh restoration projects.
- **Temporary and permanent levees.** Temporary and permanent levees will be required to protect lands adjacent to the restoration areas. The cost estimate for levees is based on a total of 44 miles of permanent levees along the upland edges of the ROAs, 32 miles of permanent levees on subsided areas in the interiors of the ROAs, and 50 miles of temporary levees that will need to be breached or removed as restoration progresses. The typical levee height for permanent levees was calculated as the difference between the Federal Emergency Management Agency 100-year flood elevation and a typical ground elevation, plus an allowance for settlement, freeboard, and future sea level rise. Typical ground elevation was estimated by ROA and by levee type. Settlement was estimated for each levee type within an ROA as a function of levee height and approximate depth of underlying peat soils. A crest width of 16 feet was assumed for all levees, with average side slopes of 5:1 and 2:1 (horizontal : vertical) on the outboard and inboard sides, respectively. Unit costs for levee fill were derived from costs for similar constructed projects and ranged from \$5 to \$31 per cubic yard, depending on anticipated soil

strength and distance of fill material source. It was assumed that the fill necessary for levee construction would be obtained from sources within the ROA. For island levees, it was assumed that material would be imported from offsite locations by barge and conveyor system.

- **Restoration and vegetation.** A unit cost of \$3,700 per acre was applied to each ROA's footprint area to estimate the cost of restoration elements other than mass grading and levees. The unit cost was derived from data on costs for large-scale tidal marsh restorations that have been completed (or are in final stages of design) in the San Francisco Bay, including Napa Salt Ponds, South Bay Salt Ponds (multiple sites), Eden Landing Ecological Reserve, Bahia Wetlands, Petaluma Marsh, Cooley Landing, Outer Bair Island, and Blacklock Marsh (Suisun Bay). Projects located in San Francisco Bay were used as analogues because of the lack of large-scale tidal marsh restoration projects within the Delta to serve as reference sites.
- **Contingency.** Each restoration site will have its own unique characteristics, causing actual construction costs to differ from the estimates set out in this section. Factors that may affect actual costs include the relocation of existing utilities, improvements necessary for site access, and accommodation for a phased approach to construction. A 35% contingency was applied to direct construction costs to account for these unknowns.

Table 8-9. Cost Estimate for Tidal Natural Communities Restoration

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Land Acquisition				
Fee-title costs	\$7.4	\$8.8	\$5.0	\$293.9
Due diligence & transaction costs	\$0.5	\$0.6	\$0.4	\$19.8
Subtotal	\$7.8	\$9.3	\$5.4	\$313.8
Contingency (20%)	\$1.6	\$1.9	\$1.1	\$62.8
Total Land Acquisition	\$9.4	\$11.2	\$6.5	\$376.5
Construction				
Permitting, planning, design, CM	\$8.0	\$9.5	\$5.5	\$318.4
Mass grading	\$1.0	\$1.1	\$0.7	\$38.4
Temporary levees	\$6.5	\$7.7	\$4.4	\$257.7
Long-term levees	\$8.3	\$9.8	\$5.6	\$329.1
Restoration & vegetation establishment	\$7.1	\$8.4	\$4.9	\$283.7
Subtotal	\$30.8	\$36.5	\$21.1	\$1,227.4
Contingency	\$7.7	\$9.1	\$5.2	\$305.8
Total Construction	\$38.4	\$45.6	\$26.3	\$1,533.1
Total Capital	\$47.8	\$56.8	\$32.8	\$1,909.7
Notes: The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				
^a In undiscounted 2012 dollars				
CM = construction management				

8.2.3.5 CM5 Seasonally Inundated Floodplain Restoration

Under *CM5 Seasonally Inundated Floodplain Restoration*, the Implementation Office will provide for the restoration of 10,000 acres of seasonally inundated floodplain along the San Joaquin River downstream of Vernalis and along Old and/or Middle Rivers. CM5 provides flexibility for restoration actions to occur along any major channel in the north, east, and south Delta. To estimate implementation cost, the following assumptions about the location of floodplain restoration were adopted.

- Approximately 7,000 acres of floodplain will be restored along the San Joaquin River between Vernalis and French Camp Slough by setting back approximately 40 miles of existing levees.
- An additional 3,000 acres of floodplain will be restored along Old and/or Middle Rivers by setting back approximately 17 miles of existing levees.
- In restoration areas, existing levees will be set back an average of 1,450 feet from the channel margin.

Given these location assumptions, land acquisition is estimated to cost \$74.3 million. Levee setback and floodplain revegetation is estimated to cost \$867.7 million. Costs are summarized in Table 8-10, and are based on the following data and assumptions.

Land acquisition. Land acquisition and related expenditures for CM5 are estimated to cost \$74.3 million. The cost estimate is based on purchasing fee-title interest in 5,330 acres needed for levee footprints, graded benches and other waterside restoration features, at a cost of \$33.5 million, and securing an additional 5,775 acres in the restored floodplain through flood easement, at a cost of \$21.5 million. Both estimates are based on the weighted average value of land within the floodplain restoration zones used for cost estimation.¹⁴ Calculation details are provided in Appendix 8.A, *Implementation Costs Supporting Materials*. Transaction and contingency costs add an additional \$19.3 million to the estimate, bringing the total cost for land acquisition to \$74.3 million.¹⁵

Construction. The cost estimate for construction of levee setbacks and revegetation is \$867.7 million. A breakdown of levee setback costs by major construction element is provided in Table 8-10.

- **Levee setback cost.** The direct construction cost estimate for 57 miles of levee setbacks is \$528.9 million. The estimate is based on the cost of similar setback levees recently constructed along the Feather and Bear rivers. Direct construction cost for these projects averaged \$9.3 million per mile. The estimate includes allowances for removing existing levees, excavating and backfilling borrow pits, surfacing roads, and excavating floodplain swales and benches.
- **Revegetation cost.** The cost estimate for floodplain revegetation is \$49.6 million. A total of 4,830 acres are estimated to require revegetation at an average cost of \$10,270 per acre. The

¹⁴ Easement costs are set to 60% of fee-title value, per Section 8.2.2.4. Easement costs for floodplain restoration are valued lower than conservation easements because these easements will often come in the form of flood easements, which have fewer restrictions than conservation easements and therefore should cost less.

¹⁵ The cost analysis assumes that fee-title and easement purchases would have similar transaction costs per acre, which would average 10% of the fee-title value of the land. Because easement cost is set to 60% of fee-title value, the calculation of due diligence and transaction cost in Table 8-10 is $(\$33.5 + \$21.5/0.6) \times 0.1 = \$6.9$ million.

average per acre cost is based on revegetation costs for similar setback levee projects recently constructed on the Feather and Bear rivers.

- **Permitting, planning, design, engineering, and construction management.** Allowances for permitting, planning, design, engineering, and construction management are the same as those used for the projects on the Feather and Bear rivers --18% of direct cost for permitting, planning, design, and engineering and 7% of direct cost for construction management.

Flood control cost share. Cost sharing with state flood management programs may be possible. For purposes of estimating total Plan implementation cost, it is assumed BDCP will be responsible for between 50 and 75% of total CM5 costs. The 50% costs share is based on BDCP paying for roughly one-third of levee setback costs and all the costs for land acquisition and revegetation. The 75% cost share is based on BDCP paying for roughly two-thirds of levee setback costs and all the costs for land acquisition and revegetation. Under the two cost share scenarios, BDCP cost for CM5 ranges between \$471 and \$706.5 million. The summary of total BDCP cost presented in Section 8.2.7, *Summary of Estimated Costs*, uses the more conservative 75% cost share assumption.

Table 8-10. Cost Estimate for Seasonally Inundated Floodplain Restoration

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Land Acquisition				
Fee-title costs	\$0.00	\$0.67	\$0.86	\$33.5
Easement costs	\$0.00	\$0.43	\$0.55	\$21.5
Due diligence & transaction costs	\$0.00	\$0.14	\$0.18	\$6.9
Subtotal	\$0.00	\$1.24	\$1.59	\$61.9
Contingency (20%)	\$0.00	\$0.25	\$0.32	\$12.4
Total Land Acquisition	\$0.00	\$1.49	\$1.91	\$74.3
Construction				
Setback levee construction	\$0.00	\$10.58	\$13.60	\$528.9
Revegetation	\$0.00	\$0.99	\$1.28	\$49.6
Subtotal	\$0.00	\$11.57	\$14.87	\$578.47
Permitting, planning, design, CM	\$0.00	\$2.08	\$2.68	\$104.1
Construction management	\$0.00	\$0.81	\$1.04	\$40.5
Subtotal	\$0.00	\$14.46	\$18.59	\$723.1
Contingency (20%)	\$0.00	\$2.89	\$3.72	\$144.6
Total Construction	\$0.00	\$17.35	\$22.31	\$867.7
Total Capital	\$0.00	\$18.84	\$24.22	\$942.0
BDCP Cost Share				
50%	\$0.00	\$9.42	\$12.11	\$471.0
75% ^b	\$0.00	\$14.13	\$18.17	\$706.5
Notes: The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				
^a In undiscounted 2012 dollars				
^b The cost summary tables in Section 8.2.7, <i>Summary of Estimated Costs</i> , use the more conservative 75% cost share assumption.				

8.2.3.6 CM6 Channel Margin Enhancement

With *CM6 Channel Margin Enhancement*, the Implementation Office will provide for the enhancement of 20 linear miles of channel margin in the Delta. For the cost analysis, it is assumed that channel margin enhancement will entail creating low benches that support emergent vegetation and higher elevation benches that support riparian vegetation along existing levees. Large woody material (e.g., tree trunks and stumps) may be anchored into constructed low benches or in existing riprapped levees to provide similar habitat functions.

The cost estimate for CM6 is \$120.2 million. Table 8-11 provides a breakdown of the cost estimate, which is based on the following data and assumptions.

Land acquisition. Channel margin enhancement projects are not expected to require significant amounts of land acquisition. Some land acquisition may be required to accommodate channel margin restoration in highly constrained channels where levees may need to be set back about 100 feet or less. These setbacks would also mitigate the loss of channel margin along the Sacramento River due to construction of the three CM1 conveyance intakes in the north Delta. To account for this possibility, it is assumed that 5.2 miles of the 20 miles of channel margin enhancement would entail setting back levees approximately 100 feet. This linear distance equates to twice the amount of channel margin that would be lost to the construction of the three intakes in the north Delta, which is twice the amount needed to mitigate that loss. An estimated 63 acres would be needed for these levee setbacks.¹⁶ The cost estimate to acquire this land in fee-title, including allowances for due diligence, other transaction costs, and contingency is \$0.52 million.

Construction. The cost estimate for construction of channel margin enhancements is \$119.7 million. Cost estimates for setback levee construction and channel margin enhancements in areas where setback levees will not be required are based on the following information.

- **Levee construction.** The cost estimate for 5.2 miles of setback levees is \$72.4 million. Levee construction cost assumptions are the same as those for *CM5 Seasonally Inundated Floodplain Restoration*. Because the levee cost estimate includes allowances for graded benches and other waterside habitat enhancements, separate channel margin enhancement costs were not estimated for stretches of channel where setback levees would be constructed.
- **Channel margin enhancement.** On the remaining 14.8 miles of channel margin where setback levees would not be constructed the cost estimate for channel margin enhancements is \$47.3 million. The estimate is based on an average cost of \$2.13 million per mile plus a 20% allowance for permitting, design, engineering, and construction management, and a 20% cost contingency. The average cost per mile for direct construction is based on an analysis of 95 bank stabilization projects planned for the Sacramento River and its tributaries (U.S. Army Corps of Engineers 2009). Each sampled project included a conceptual design cross section and budget-level cost estimate for soil cover, instream woody material, fascines, landscape materials, and in some instances wetland construction. The allowance for indirect costs as a percentage of direct construction cost is taken directly from the original budget-level cost estimates.

¹⁶ 63 acres = 100 feet × 5.2 miles × 5,280 feet/mile × 1 acre/43,560 square feet.

1 **Table 8-11. Cost Estimate for Channel Margin Improvements**

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Land Acquisition				
Fee-title cost	\$0.02	\$0.04	\$0.00	\$0.39
Due diligence & transaction costs	\$0.00	\$0.00	\$0.00	\$0.04
Subtotal	\$0.02	\$0.04	\$0.00	\$0.43
Contingency (20%)	\$0.00	\$0.01	\$0.00	\$0.09
Total Land Acquisition	\$0.03	\$0.05	\$0.00	\$0.52
Setback Levee Construction				
Direct Construction	\$2.41	\$4.82	\$0.00	\$48.25
Permitting/Design/Engineering	\$0.43	\$0.87	\$0.00	\$8.68
Construction Management	\$0.17	\$0.34	\$0.00	\$3.38
Subtotal	\$3.02	\$6.03	\$0.00	\$60.31
Contingency	\$0.60	\$1.21	\$0.00	\$12.06
Total Setback Levee Construction	\$3.62	\$7.24	\$0.00	\$72.37
Channel Margin Enhancement				
Direct Construction	\$1.02	\$1.07	\$0.46	\$31.54
Permitting/Design/Engineering	\$0.18	\$0.19	\$0.08	\$5.68
Construction Management	\$0.07	\$0.07	\$0.03	\$2.21
Subtotal	\$1.28	\$1.33	\$0.57	\$39.42
Contingency	\$0.26	\$0.27	\$0.11	\$7.88
Total Channel Margin Enhancement	\$1.53	\$1.60	\$0.68	\$47.30
Total Capital	\$5.18	\$8.89	\$0.68	\$120.19
Notes: ^a In undiscounted 2012 dollars The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				

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3 **8.2.3.7 CM7 Riparian Natural Community Restoration**

4 With *CM7 Riparian Natural Community Restoration*, the Implementation Office will provide for the
 5 restoration of 5,000 acres of riparian forest and scrub in areas of restored tidal marsh, floodplain,
 6 and channel margin.¹⁷ Establishment of riparian natural community will rely on both natural
 7 recruitment and active planting. Nonnative vegetation in riparian restoration areas will be
 8 controlled during the first three years of native riparian establishment.

¹⁷ Costs for the protection of existing riparian natural communities to meet protection requirements (i.e., without restoration) are described in *CM3 Natural Communities Protection and Restoration*.

The cost estimate for riparian natural community land acquisition and restoration is \$47.6 million. A breakdown of the estimate is provided in Table 8-12, which is based on the following cost estimation methods and assumptions.

Land acquisition. The cost estimate of land acquisition, including transaction costs and contingency, is \$12.2 million. Most riparian natural community restoration (4,029 acres out of a total of 5,000) is expected to occur on lands acquired for seasonally inundated floodplains (CM5) and for channel margins (CM6). Riparian natural community restoration in these areas will not require additional acquisition of land. Estimated costs are for 971 acres of riparian natural community restoration in Conservation Zone 7 (CZ7). This acreage is in addition to land acquisition in CZ7 for *CM4 Tidal Natural Communities Restoration*. Acquired land would be a mixture of pasture, hay, and field crop acreage with an average fee-title cost of \$9,500 per acre, based on the common assumption fee-title values in Table 8-3.

Construction and planting. Estimated cost for restoration of riparian habitat is \$35.4 million. The estimate is based on the following data and assumptions.

- **Natural recruitment in tidal marsh restoration areas.** Natural recruitment of riparian forest and scrub is assumed to occur above the tidal range from MHHW to MHHW+2.5 feet at sites that support suitable soils. Natural recruitment is assumed to occur in up to 20% of areas with generally suitable soils, and in up to 40% of areas with more fluvial disturbance (e.g., portions of the Cosumnes-Mokelumne ROA), where there is greater potential for fluvial inundation and scour to refresh soil surfaces.
- **Active planting in tidal marsh restoration areas.** Active planting of riparian forest and scrub is assumed to occur in areas adjacent to naturally recruited vegetation in order to increase riparian patch size and enhance riparian quality. It is assumed that active planting acreage would equal 30% of natural recruitment acreage in each ROA. A plant density of 170 plants per acre is assumed, consistent with an over-planting approach designed to rapidly establish native riparian species and reduce the need for replanting. A 70% survivorship rate is assumed over the 3-year establishment period. Active planting is estimated to cost \$4,200 per acre (2012 dollars), including management, field preparation, irrigation installation, and planting costs. The unit cost is derived from riparian establishment costs for comparable projects in the Central Valley.
- **Weed control during establishment period.** The cost estimate assumes control of nonnative vegetation during the 3-year establishment period will be required and will occur in both natural recruitment and active planting areas. It is assumed that weed control would occur on 100% of active planting areas and 50% of natural recruitment areas. Weed control costs are estimated at \$1,400 per acre/year (2012 dollars). Per acre costs are derived from weed control costs for comparable projects in the Central Valley. Weed control in natural recruitment areas is expected to cost 40% more than in active planting areas due to more varied and difficult conditions.
- **Active planting in floodplain and channel margin restoration areas.** Establishment of riparian natural community in restored floodplain is assumed to occur primarily in the South Delta ROA along the San Joaquin, Old, and Middle Rivers. Establishment of riparian habitat in these areas is expected to require active planting. Natural recruitment is not

expected to result in high-value riparian natural community.¹⁸ Unit planting and weed control costs in floodplain and tidal marsh restoration areas are expected to be the same.

Table 8-12. Cost Estimate for Riparian Natural Community Restoration

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Land Acquisition				
Fee-title costs	\$0.15	\$0.11	\$0.21	\$9.3
Due diligence & transaction costs	\$0.01	\$0.01	\$0.02	\$0.9
Subtotal	\$0.16	\$0.12	\$0.23	\$10.2
Contingency (20%)	\$0.03	\$0.02	\$0.05	\$2.0
Total Land Acquisition	\$0.20	\$0.15	\$0.27	\$12.2
Habitat Establishment				
Construction & planting	\$0.48	\$0.75	\$0.16	\$14.0
Weed control during establishment	\$0.34	\$0.58	\$0.26	\$15.5
Subtotal	\$0.83	\$1.33	\$0.42	\$29.5
Contingency (20%)	\$0.17	\$0.27	\$0.08	\$5.9
Total Establishment	\$0.99	\$1.59	\$0.50	\$35.4
Total Capital	\$1.19	\$1.74	\$0.77	\$47.6
Notes:				
^a In undiscounted 2012 dollars				
The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				

8.2.3.8 CM8 Grassland Natural Community Restoration

With *CM8 Grassland Natural Community Restoration*, the Implementation Office will provide for the restoration of up to 2,500 acres of grassland natural community in Conservation Zones 1, 8, and/or 11.¹⁹ Of this total, 500 acres is intended to partially satisfy the 3,000 acres of rice or rice equivalent requirement, per Table 8-1. The cost estimate for grassland natural community land acquisition and restoration is \$18.4 million. A breakdown of CM8 costs is provided in Table 8-13. The cost estimate is based on the following cost estimation methods and assumptions. Estimated costs for grassland natural community restoration are summarized in

¹⁸ Some funds for active planting in floodplain and channel margin restoration areas could be shifted to other conservation measures if subsequent monitoring shows that natural recruitment in these areas creates good riparian habitat.

¹⁹ Costs for the protection of existing grassland natural communities to meet protection requirements (i.e., without restoration) are described in *CM3 Natural Communities Protection and Restoration*.

Land acquisition. The cost estimate for land acquisition and related expenditures for CM8 is \$10.8 million. The cost estimate is based on purchasing fee-title interest in 2,500 acres of rangeland in three separate Conservation Zones needed for grassland restoration at a cost of \$8.15 million.²⁰ Calculation details are provided in Appendix 8.A, *Implementation Costs Supporting Materials*. Transaction and contingency costs add an additional \$2.65 million to the estimate, bringing the total cost for land acquisition to \$10.8 million.

Construction and planting. Restoration of grassland habitat is estimated to cost \$7.6 million. The estimate is based on grassland natural community construction and planting costs for comparable restoration projects occurring in and around the Delta (Gause pers. comm.). An average cost of \$1,272 per acre for grading, disking, and seeding is used to estimate establishment cost. An average cost of \$318 per acre is used to estimate annual weed management cost during a 4-year establishment period.²¹

Table 8-13. Cost Estimate for Grassland Natural Community Restoration

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Land Acquisition				
Fee-title costs	\$0.42	\$0.26	\$0.08	\$8.1
Due diligence & transaction costs	\$0.04	\$0.03	\$0.01	\$0.8
Subtotal	\$0.46	\$0.29	\$0.08	\$9.0
Contingency (20%)	\$0.09	\$0.06	\$0.02	\$1.8
Total Land Acquisition	\$0.55	\$0.35	\$0.10	\$10.8
Habitat Establishment				
Construction & planting	\$0.16	\$0.10	\$0.03	\$3.2
Weed control during establishment	\$0.16	\$0.10	\$0.03	\$3.2
Subtotal	\$0.32	\$0.21	\$0.06	\$6.4
Contingency (20%)	\$0.06	\$0.04	\$0.01	\$1.3
Total Establishment	\$0.39	\$0.25	\$0.07	\$7.6
Total Capital	\$0.94	\$0.60	\$0.17	\$18.4
Notes: The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				
^a In undiscounted 2012 dollars				

²⁰ Of the 2,500 acres, 500 acres will contribute to the 3,000 acre requirement for rice or rice equivalent habitat, per Table 8-1.

²¹ Herbicide choice and type of weeds can greatly affect price. If the sites can be treated for weeds prior to planting using a combination of cultural and chemical control methods, the costs for future weed control may be reduced by half.

8.2.3.9 CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration

With *CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration*, the Implementation Office will restore the vernal pool and alkali seasonal wetland complex in Conservation Zones 1, 8, or 11 to achieve no net loss of vernal pool alkali wetland acreage from covered activities. The restored vernal pool and alkali seasonal wetland complex will consist of pools and swales within a larger matrix of grasslands. The Implementation Office will select specific restoration sites in Conservation Zones 1, 8, or 11 based on the suitability of available lands for restoration, biological value, and practicability considerations. Costs are presented for land acquisition, construction and planting, and weed management during the establishment period.²²

Restoration of vernal pool and alkali wetland complex is estimated to cost \$1.7 million. A breakdown of the cost estimate is provided in Table 8-14. The cost estimate is based on the following data and assumptions.

Land acquisition. The cost estimate for land acquisition and related expenditures for CM9 is \$0.6 million. The cost estimate is based on purchasing fee-title interest in 67 acres of rangeland needed for vernal pool and alkali seasonal wetland restoration at a cost of \$0.5 million. Calculation details are provided in Appendix 8.A, *Implementation Costs Supporting Materials*. Transaction and contingency costs add an additional \$0.1 million to the estimate, bringing the total cost for land acquisition to \$0.6 million.

Construction and planting. Restoration of vernal pool and alkali wetland complex is estimated to cost \$1.1 million. The estimate assumes that 15% of acquired land would be used for vernal pool and wetland complex restoration and 85% would be composed of supporting grassland natural community. An average cost of \$34,448 per acre was used to estimate the cost to restore vernal pool and seasonal wetland areas. An average cost of \$1,272 per acre was used to estimate the cost of grassland natural community restoration. Both estimates are based on costs for comparable restoration projects occurring in and around the Delta (Gause pers. comm.). Weed management is expected to be needed on 15% of restored area over the four year establishment period at average cost of \$344 per acre.

²² Costs for the protection of existing vernal pool and alkali seasonal wetland natural communities to meet protection requirements (i.e., without restoration) are described in *CM3 Natural Communities Protection and Restoration*.

1 **Table 8-14. Cost Estimate for Vernal Pool Complex Establishment**

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Land Acquisition				
Fee-title costs	\$0.03	\$0.02	\$0.00	\$0.5
Due diligence & transaction costs	\$0.00	\$0.00	\$0.00	\$0.0
Subtotal	\$0.04	\$0.02	\$0.00	\$0.5
Contingency (20%)	\$0.01	\$0.00	\$0.00	\$0.1
Total Land Acquisition	\$0.04	\$0.03	\$0.00	\$0.6
Habitat Establishment				
Construction & planting	\$0.06	\$0.04	\$0.00	\$0.9
Weed control during establishment	\$0.00	\$0.00	\$0.00	\$0.0
Subtotal	\$0.06	\$0.04	\$0.00	\$0.9
Contingency	\$0.01	\$0.01	\$0.00	\$0.2
Total Establishment	\$0.08	\$0.05	\$0.00	\$1.1
Total Capital	\$0.12	\$0.08	\$0.00	\$1.7
Notes:				
^a In undiscounted 2012 dollars				
The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				

2

3 **8.2.3.10 CM10 Nontidal Marsh Restoration**

4 With *CM10 Nontidal Marsh Restoration*, the Implementation Office will provide for the restoration of
5 up to 2,200 acres of nontidal marsh to provide giant garter snake habitat and restoration of 500
6 acres of managed wetland for sandhill crane habitat.²³ Of the 2,200 acres of nontidal marsh
7 restoration, 1,000 acres are intended to partially satisfy the 3,000 acres of rice or rice equivalent
8 requirement, per Table 8-1. Restored nontidal marsh natural community will be distributed in two
9 blocks, one in Conservation Zone 2 (677 acres) and the other in Conservation Zone 4 or 5 (1,523
10 acres). Additionally, managed wetland will be distributed in two 250-acre blocks (one in
11 Conservation Zone 5 and the other in Conservation Zone 6).

12 Nontidal marsh and managed wetland is estimated to cost \$52.7 million. A breakdown of the cost
13 estimate is provided in Table 8-15. The cost estimate is based on the following data and
14 assumptions.

15 **Land acquisition.** Purchase of fee-title interest in land for nontidal marsh and managed wetland
16 restoration is estimated to cost \$30.5 million. The cost estimate is based on purchasing fee-title

²³ Costs for the protection of existing nontidal marsh natural community to meet protection requirements (i.e., without restoration) are described in *CM3 Natural Communities Protection and Restoration*.

interest in 2,200 acres of cropland in three separate Conservation Zones at a cost of \$23.1 million.²⁴ Calculation details are provided in Appendix 8.A, *Implementation Costs Supporting Materials*. Transaction and contingency costs add an additional \$7.4 million to the estimate, bringing the total cost for land acquisition to \$30.5 million.

Construction and planting. Restoration of nontidal marsh and managed wetland is estimated to cost \$22.2 million. Average per-acre restoration costs were derived from construction and revegetation costs for comparable restoration projects occurring in and around the Delta (Gause pers. comm.). An average restoration and revegetation cost of \$6,625/acre was estimated, including allowances for planning, permitting, and management. The estimate assumes that two-thirds of restored area will be dedicated to aquatic natural communities and one-third will be supporting upland natural communities. The cost estimate also includes allowances for four wells for backup water supply at a cost of roughly \$146,000 per well.

Table 8-15. Cost Estimate for Nontidal Freshwater Marsh Restoration

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Land Acquisition				
Fee-title costs	\$0.89	\$0.41	\$0.35	\$23.1
Due diligence & transaction costs	\$0.09	\$0.04	\$0.03	\$2.3
Subtotal	\$0.97	\$0.45	\$0.38	\$25.4
Contingency	\$0.19	\$0.09	\$0.08	\$5.1
Total Land Acquisition	\$1.17	\$0.54	\$0.46	\$30.5
Habitat Establishment				
Construction & planting	\$0.81	\$0.30	\$0.25	\$18.5
Subtotal	\$0.81	\$0.30	\$0.25	\$18.5
Contingency	\$0.16	\$0.06	\$0.05	\$3.7
Total Establishment	\$0.97	\$0.36	\$0.30	\$22.2
Total Capital	\$2.14	\$0.90	\$0.76	\$52.7
Notes: The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				
^a In undiscounted 2012 dollars				

8.2.3.11 CM11 Natural Communities Enhancement and Management

With *CM11 Natural Communities Enhancement and Management*, the Implementation Office will provide for the development and implementation of management plans for all conservation lands established under the BDCP. These plans will provide for the maintenance of the habitat functions of protected existing natural communities and restored natural communities in both the permit and post-permit terms of Plan implementation. They will also address mitigation of recreation impacts

²⁴ Of the 2,200 acres, 1,000 acres will contribute to the 3,000 acre requirement for rice or rice equivalent habitat, per Table 8-1.

associated with construction of the water conveyance facility and protection and restoration of natural communities in the Plan area.

Capital costs for CM11 are estimated at \$138.1 million. Operating costs are estimated at \$236.6 million. The cost estimates are summarized in Table 8-16, and are based on the following data and assumptions.

Reserve management. Data on management costs for managed natural reserves in the western United States was used to estimate land management costs as a function of total area under management.²⁵ Estimated annual management costs average \$124 per acre in the near-term (years 1 through 10), \$69 per acre in the early long-term (years 11 through 15), and \$48 per acre in the late long-term (years 16 through 50) of Plan implementation. Estimated costs are inclusive of O&M, administration, and capital replacement. Adaptive management and monitoring costs for reserve lands are accounted for in Section 8.2.5, *Monitoring and Research Action Costs*. A 10% contingency is added to the cost estimate to account for additional cost uncertainties.²⁶ Total estimated cost for reserve management, including contingency, is \$217.9 million.

New recreation assets. To provide new recreation opportunities in the BDCP reserve system and to mitigate temporary recreation impacts from BDCP construction, the Implementation Office will establish 25 miles of new recreational trails, 15 trailhead facilities, and six picnic areas at various locations throughout the reserve system. It will also construct one new two-lane boat launch facility and refurbish an existing boat launch facility. Construction of the new trails, trailheads, and picnic areas has an estimated cost of \$8.2 million. The boat launch facilities are expected to cost \$4.1 million. These cost estimates are based on the following assumptions:

- Construction of new trails is estimated to cost an average of approximately \$19,900 per mile. The estimate is based on a statistical analysis of project costs for 37 trail construction projects funded by California Department of Parks and Recreation between 2009 and 2012. The unit cost estimate assumes natural surface trails with an average construction length of 5 miles per trail segment.²⁷ An allowance of \$1,000 per mile is added to the unit construction cost for trail signage and other non-structural trail enhancements.
- Construction of new trailhead facilities is estimated to cost an average of \$318,000 per facility. Trailhead facilities are assumed to include parking areas, entrance gate and kiosk, signage, restrooms, and emergency phones. The source of the estimate is the East Contra Costa County HCP/NCCP (appendix G), updated to 2012 dollars using the Army Corps of Engineers recreation facilities construction cost index.
- Construction of new picnic areas is assumed to cost one-fifth the cost of a new trailhead facility.
- Construction of the new boat launch facility is expected to cost \$2.7 million. The cost estimate is based on a statistical analysis of project costs for 14 boat launch facility construction projects funded by the California Department of Boating and Waterways. The cost estimate assumes a

²⁵ Emphasis was placed on lands managed for HCP purposes.

²⁶ A 10% contingency is the default contingency level used by the Center for Natural Lands Management Property Analysis Record cost model.

²⁷ Trail costs exhibit significant economies of scale due to lump sum costs of planning, design, equipment and materials staging. Unit costs may be lower if trail segments average more than 5 miles, and higher if they average less than 5 miles.

boat launch facility with two launch lanes, two boarding floats, restrooms, and vehicle and trailer parking areas.

- Refurbishing the existing boat launch facility is assumed to cost one-half the cost of the new boat launch facility.
- Construction cost estimates for recreation assets include a 20% allowance of direct construction cost for permitting, design, engineering, and inspection, and a 20% cost contingency.

Recreation assets management. Annual O&M costs for the trails, trailhead facilities, picnic areas, and boat launch facilities are estimated at 5% of original construction costs.²⁸ The O&M cost assumption for recreation assets is taken from the East Contra Costa County HCP/NCCP (appendix G). For purposes of cost estimation, recreation O&M costs begin to accrue in the five-year period after original construction.

Nonwasting endowment funding. The Implementation Office will establish a nonwasting endowment or similar funding mechanism to fund the costs of ongoing land management activities that will be required after the expiration of the 50-year permit term. The annual funding requirement during the permit term is estimated at \$2.5 million per year (in 2012 constant dollars) based on the following assumptions.

- Management costs in the post-permit term (2012 dollars) will average \$8.6 million per year.²⁹ This includes costs of \$7.8 million per year for land management and monitoring and a cost contingency of \$0.8 million to account for additional cost uncertainties.
- An average nominal rate of return on the endowment fund of 5%, which is consistent with historical rates of return on conservative bond portfolios.³⁰
- Endowment funding commences in year 1 of Plan implementation and is fully funded by the end of the permit term. No contributions are made to the fund in the post-permit term.
- An average inflation rate of 2.0 % during the post-permit period.

Estimated cost for establishment of the endowment fund during the permit term is \$125.8 million in undiscounted 2012 dollars.

²⁸ O&M for signage, which is assumed to have shorter useful life, is estimated at 10% of original construction cost.

²⁹ Monitoring costs assume that monitoring frequency will be at least once every 3 years. Costs for this activity are subsumed within the O&M component of the management cost estimate. Costs for specialized follow-up surveys or site visits on an estimated 3% of the acreage annually to verify compliance are also estimated. These surveys are estimated to require 2 hours of labor per 40-acre parcel (including travel time).

³⁰ A more aggressive investment strategy could reduce the annual funding requirement, but would also increase the risk the endowment will not be fully funded by the end of the permit period.

Table 8-16. Cost Estimate for Reserve Management and Endowment

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Recreation Trails & Facilities				
Direct construction	\$0.15	\$0.15	\$0.10	\$5.7
Permitting/Design/Eng/CM	\$0.03	\$0.03	\$0.02	\$1.1
Subtotal	\$0.18	\$0.19	\$0.12	\$6.8
Contingency @ 20%	\$0.04	\$0.04	\$0.02	\$1.4
Total Recreation Trails	\$0.22	\$0.22	\$0.14	\$8.2
Boat Launch Facilities				
Direct construction	\$0.00	\$0.57	\$0.00	\$2.9
Permitting/Design/Eng/CM	\$0.00	\$0.11	\$0.00	\$0.6
Subtotal	\$0.00	\$0.68	\$0.00	\$3.4
Contingency @ 20%	\$0.00	\$0.14	\$0.00	\$0.7
Total Boat Launch Facilities	\$0.00	\$0.82	\$0.00	\$4.1
Endowment funding	\$2.52	\$2.52	\$2.52	\$125.8
Total Capital	\$2.74	\$3.56	\$2.66	\$138.1
O&M Costs				
Recreation Trails & Facilities O&M	\$0.03	\$0.11	\$0.31	\$11.8
Recreation Boat Launch O&M	\$0.00	\$0.00	\$0.20	\$6.8
Reserve Management	\$1.21	\$2.76	\$5.48	\$217.9
Total O&M	\$1.24	\$2.87	\$5.99	\$236.6
Notes:				
^a In undiscounted 2012 dollars				
The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				
O&M = operations and maintenance				

8.2.3.12 CM12 Methylmercury Management

With *CM12 Methylmercury Management*, the Implementation Office will provide for actions to minimize the potential for bioaccumulation of mercury that could occur in areas of restoration actions, including site characterization of mercury prior to acquisition, restoration design modification to address unacceptable concentrations of mercury in substrate, long-term monitoring, and adaptive management. Methylmercury management costs fall into three broad categories:

- **Site characterization and soil sampling to identify mercury hotspots in the ROAs.** Results of site characterization studies and soil sampling will be used to inform site selection and restoration design for tidal and floodplain natural communities (*CM4 Tidal Natural Communities Restoration* and *CM5 Seasonally Inundated Floodplain Restoration*, respectively). The costs associated with site characterization and soil sampling are presented in this section.

- 1 • **Modification of site selection and restoration design to address potential methylmercury**
2 **impacts.** Site selection and/or restoration design may need to be modified to attenuate
3 methylmercury impacts. Costs associated with these modifications fall within the cost
4 contingencies for the tidal and floodplain natural communities conservation measures (*CM4*
5 *Tidal Natural Communities Restoration* and *CM5 Seasonally Inundated Floodplain Restoration*,
6 respectively), and therefore are not listed in this section in order to avoid double-counting costs.
- 7 • **Ongoing Monitoring of Mercury Methylation in the Plan Area.** Costs for ongoing mercury
8 monitoring are subsumed within the cost estimate for monitoring, research, and adaptive
9 management (Section 8.2.5, *Monitoring and Research Action Costs*) and are not listed in this
10 section in order to avoid double-counting costs.

11 The cost estimate for site characterization and soil sampling is \$2.2 million. Costs are summarized in
12 Table 8-17. The cost estimate is based on the following data and assumptions.

13 **Preacquisition site characterization.** Preacquisition surveys for mercury, grain size, and total
14 organic content will be conducted for *CM4 Tidal Natural Communities Restoration* (65,000 acres)
15 and *CM5 Seasonally Inundated Floodplain Restoration* (10,000 acres). For cost estimation, the
16 midpoint of a range of sample densities from regional surveys (Heim et al. 2010) is used (one
17 sample per 185 acres). Some sites may require an increased sample density. Survey costs are based
18 on an estimate of \$208,000 (2012 dollars) for a 2-week survey to collect, analyze, and provide
19 report of results for 175 samples.

20 **Project design surveys.** More detailed mercury surveys may be required for designing specific
21 restoration plans. Approximate acreages that may require project design surveys are based on the
22 tidal restoration acreage amounts described for *CM4 Tidal Natural Communities Restoration*. Project
23 design surveys for mercury will be conducted for approximately 40,400 acres of restoration area at
24 one sample per 50 acres and will include collection and analysis of composite samples representing
25 the 0- to 12-inch depth interval and, on a more limited basis, the 12-inch to 14- or 16-inch depth
26 interval.

27 **Contingency.** The extent of survey work that may be required depends on many uncertainties that
28 will not be resolved until planning and design of *CM4* and *CM5* are further advanced. To account for
29 the substantial uncertainty associated with costs for site characterization and design surveys, a 50%
30 cost contingency is added to the cost estimate.

Table 8-17. Cost Estimate for Methylmercury Site Characterization and Project Design Surveys

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Preconstruction site surveys	\$0.03	\$0.04	\$0.03	\$1.5
Contingency (50%)	\$0.02	\$0.02	\$0.01	\$0.7
Total Capital	\$0.05	\$0.06	\$0.04	\$2.2
Notes: ^a In undiscounted 2012 dollars The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				

8.2.3.13 CM13 Invasive Aquatic Vegetation Control

With *CM13 Invasive Aquatic Vegetation Control*, the Implementation Office will provide for the control of Brazilian waterweed (*Egeria densa*), water hyacinth, South American spongeplant (*Limnobium laevigata*), and other invasive aquatic vegetation (IAV) throughout the Delta. To implement this conservation measure, the Implementation Office will apply existing control methods tested and developed by the California Department of Boating and Waterways *Egeria densa* and Water Hyacinth Control Programs (California Department of Boating and Waterways 2011). The primary control methods employed will be the application of herbicides as specific as possible to these species and site conditions. In addition, limited mechanical removal to control water hyacinth will be conducted. Other methods of removal could be implemented as dictated by site-specific conditions and intended outcome.

The cost estimate for IAV control is \$270.3 million. Estimated costs are summarized in Table 8-18. These estimates are based on the following data and assumptions.

- Treatment is expected to range between 1,700 and 2,300 acres annually. The cost estimate uses the midpoint of this range.
- On average, treatment is estimated to cost \$2,650 per acre. The estimate is derived from data on costs of aquatic vegetation removal between 2003 and 2005 (California Department of Boating and Waterways 2006).³¹

³¹ This provides a conservative estimate of average cost. More recently, California Department of Boating and Waterways successfully treated 3,000 acres of *Egeria* in Franks Tract at an average cost of \$2,300 per acre (2011).

- Treatment starts by year 2 of Plan implementation and effective control of *Egeria* occurs by year 20.³²

Table 8-18. Cost Estimate for Invasive Aquatic Vegetation Control

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
O&M Costs				
Labor	\$1.75	\$1.93	\$1.11	\$65.8
Materials	\$2.44	\$2.71	\$1.55	\$92.1
Environmental monitoring	\$1.78	\$1.98	\$1.13	\$67.4
Subtotal	\$5.96	\$6.62	\$3.79	\$225.2
Contingency (20%)	\$1.19	\$1.32	\$0.76	\$45.0
Total O&M	\$7.15	\$7.95	\$4.54	\$270.3
Notes:				
^a In undiscounted 2012 dollars				
The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				
O&M = operations and maintenance; IAV = invasive aquatic vegetation				

8.2.3.14 CM14 Stockton Deep Water Ship Channel Dissolved Oxygen Levels

With *CM14 Stockton Deep Water Ship Channel Dissolved Oxygen Levels*, which will occur in the Stockton Deep Water Ship Channel, the Implementation Office will maintain dissolved oxygen concentrations at levels that will not adversely affect covered fish species during periods when these fish are present in the channel. The Implementation Office will operate and maintain an oxygen aeration facility in the channel to increase dissolved oxygen concentrations between Turner Cut and Stockton to meet total maximum daily load (TMDL) objectives established by the Central Valley Regional Water Quality Control Board (above 6.0 milligrams per liter [mg/L] from September 1 through November 30 and above 5.0 mg/L at all times).

Estimated costs are summarized in Table 8-19. These estimates are based on the following data and assumptions.

- **Facility capital replacement.** The existing diffuser, built in 2007 at a cost of \$3.7 million, will need to be replaced by year 10 of Plan implementation (McLaughlin pers. comm.). Using the construction cost of the existing facility and a 15-year facility lifecycle, the annualized capital

³² Analysis suggests with an initial high investment in treatment, it may be feasible to bring *Egeria* under control within 5 to 11 years (see Section 3.4.13, *Conservation Measure 13 Invasive Aquatic Vegetation Control* and Figure 3.4-29, *Projected Changes in Delta-Wide Extent of Egeria under Low and High treatment Amounts and Two Different Rates of Egeria Increase*, in Chapter 3, *Conservation Strategy*). Under less favorable conditions, up to 18 years may be required. This longer timeframe is used to provide a conservative basis for cost estimation.

replacement cost is \$0.31 million/yr. Total capital replacement cost over the 50-year permit term is \$12.4 million.

- Facility O&M.** Operating costs are variable and may range between \$10,000 and \$300,000 per year, depending on channel flow and other factors. Historically, the facility has averaged 50 days of operation per year. At this rate of operation, annual operating cost is \$160,000 (McLaughlin pers. comm.).³³ In 2010, DWR signed a joint agreement with the Port of Stockton for operations of the aeration facility. The agreement expires in 2013 and has two option years. In 2012, DWR reached agreement on funding under this agreement with the State Water Contractors, San Joaquin River Group Authority, San Luis & Delta Mendota Water Authority, and the San Joaquin Valley Drainage Authority. It is unknown whether the options to the agreement will be exercised in 2013, or whether the agreement will be extended beyond its original term of up to 5 years (Pedlar pers. comm.). Therefore, it is assumed that BDCP will provide full funding for the operating costs of the aeration facility starting in 2014. Estimated facility O&M cost over the permit period is \$7.9 million, or about \$0.16 million annually.
- A 20% contingency is added to the estimate to account for uncertainties associated with the estimates of both capital and operating costs.

Table 8-19. Cost Estimate for Stockton Deep Water Ship Channel Dissolved Oxygen Levels

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Capital replacement costs	\$0.00	\$0.29	\$0.29	\$11.8
Contingency	\$0.00	\$0.06	\$0.06	\$2.4
Total Capital	\$0.00	\$0.35	\$0.35	\$14.1
O&M Costs				
Facility O&M	\$0.16	\$0.16	\$0.16	\$7.9
Contingency	\$0.03	\$0.03	\$0.03	\$1.6
Total O&M	\$0.19	\$0.19	\$0.19	\$9.5
Notes: ^a In undiscounted 2012 dollars The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error. O&M = operations and maintenance				

³³ This is a conservative operating cost estimate. Recent changes to the City of Stockton's Regional Wastewater Treatment Facility have resulted in improved water quality in the ship channel. If ship channel water quality improves further because of San Joaquin River restoration or Delta improvements, average operating days per year may fall below 50.

8.2.3.15 CM15 Localized Reduction of Predatory Fishes

With *CM15 Localized Reduction of Predatory Fishes*, the Implementation Office will address the local effects of nonnative predators on covered fish species by supporting focused predator reduction in high predator density locations. The Implementation Office will conduct focused predator reduction using a variety of methods in locations in the Delta that are known to have high densities of predators (predator hotspots).

The cost estimate for localized reduction of predatory fishes is \$105 million. A cost breakdown is provided in Table 8-20. The cost estimate is based on the following data and assumptions.

- The cost estimate for focused predator control assumes full program implementation. As explained in Chapter 3, Section 3.4.15, *CM15 Localized Reduction of Predatory Fishes*, the implementation of this conservation measure will begin with a pilot program that may, depending on results, later be scaled up to become a continuing program. There is great uncertainty about the eventual scope and cost of the program. Assumptions and cost estimation presented here represent an estimate of the level of effort needed to maintain boat crews in the field for a certain number of days per year. It is possible that more boat crews or days in the field would be needed, that a different technical approach would be used to achieve predator reduction, or that focused reduction techniques would be deemed ineffective. These possible outcomes cannot be predicted until the results of the pilot program become available. Labor categories for CDFW staff are applied for cost estimating purposes only; equivalent staff from other agencies or outside parties may also be used.
- Focused predator control costs are based on the following program assumptions.
 - Predator reduction would occur 5 days a week at 13 locations and weekly at four locations in the Delta from the beginning of October through the end of June.
 - Four boat crews would be required to cover the 17 predator hotspots.
 - A boat crew would consist of one Environmental Scientist and two Fish and Wildlife Technicians. Boat crews would be supervised by two Senior Environmental Scientists. Estimated salary and benefit costs for the 12 crew and 2 supervisor positions are \$1.05 million per year.
 - Each crew would have a dedicated boat and pickup truck. Vehicle and equipment cost is estimated at \$100,000 per crew. Vehicles would be replaced every 10 years, on average. Estimated capital expenditure for vehicles and equipment for four crews over the 50-year permit period is \$2.34 million.
 - Annual operating cost for the four boats would be \$0.16 million. Operating costs are based on hourly vessel operating costs for CDFW 20- to 25-foot boats used for Interagency Ecological Program surveys.³⁴
 - An administrative and overhead cost multiplier of 0.23 is applied to direct capital, labor, and equipment costs, per CDFW guidance, to account for general overhead and incidental costs that CDFW will incur to support the predator reduction unit. The annual allowance for general overhead is \$0.29 million.

³⁴ Fuel, maintenance, repairs, and haul out costs are included in the estimate (CDFW VesselOpCosts2009.xls).

- The structure removal program will remove an average of 20 structures annually at an average cost of \$8,300 per structure. The unit cost is derived from structure removal costs reported by the Contra Costa County Sheriff Department's Delta Abandoned Structure and Vessel Removal Program (Powell pers. comm.).
 - The vessel removal program will remove an average of 10 vessels annually at an average cost of \$3,300 per vessel. The unit cost is set to the average cost of removing 408 abandoned vessels from the Delta between 2002 and 2004 (California Department of Boating and Waterways 2010).
- Estimated capital and O&M costs for predator control are \$2.8 million and \$102.2 million, respectively, in undiscounted 2012 dollars.

Table 8-20. Cost Estimate for Localized Reduction of Predatory Fishes

Conservation Measure Cost	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Focused predator reduction	\$0.05	\$0.05	\$0.05	\$2.3
Contingency (20%)	\$0.01	\$0.01	\$0.01	\$0.5
Total Capital	\$0.06	\$0.06	\$0.06	\$2.8
O&M Costs				
Focused predator reduction	\$1.50	\$1.50	\$1.50	\$75.2
Abandoned vessel removal	\$0.03	\$0.03	\$0.03	\$1.7
Abandoned structure removal	\$0.17	\$0.17	\$0.17	\$8.3
Subtotal	\$1.70	\$1.70	\$1.70	\$85.1
Contingency (20%)	\$0.34	\$0.34	\$0.34	\$17.0
Total O&M	\$2.04	\$2.04	\$2.04	\$102.2
Notes: ^a In undiscounted 2012 dollars The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error. O&M = operations and maintenance				

8.2.3.16 CM16 Nonphysical Fish Barriers

With *CM16 Nonphysical Fish Barriers*, the Implementation Office will provide funding for the installation and operation of nonphysical barriers at the heads of various Delta channels to redirect outmigrating juvenile salmonids. Potential locations for nonphysical barriers are described in Chapter 3, *Conservation Strategy*, and include the Head of Old River, the Delta Cross Channel, Georgiana Slough, Turner Cut, Columbia Cut, the Delta Mendota Canal intake, and the Clifton Court Forebay. Final locations for the nonphysical barriers may differ from the potential sites listed in Chapter 3, and will be determined by engineering feasibility, fishery benefit, and cost-effectiveness.

Estimated capital and O&M costs for nonphysical barriers are \$763.0 million and \$508.7 million, respectively. Estimated costs are summarized in Table 8-21. These estimates are based on the following cost estimation methods and assumptions.

- **Number and timing of barriers.** Seven barriers will be installed by year 10 of Plan implementation: three by year 5 and four more by year 10. All seven barriers are assumed to remain in operation for the remainder of the permit term.
- **Barrier equipment.** Feasibility and cost of nonphysical barriers are highly location-specific, depending on channel length and depth, flow velocities, debris loads, and other factors. The cost estimate uses the average cost of \$3 million per year from the two DWR pilot projects completed to date. Costs for equipment and O&M are estimated to account for 60 and 40% of total costs, respectively. The two DWR pilots—one at Head of Old River and the other at the mouth of Georgiana Slough—had average annual costs of \$1.3 and \$5.1 million, respectively. The higher costs for Georgiana Slough are due to several design and site-specific factors: Georgiana Slough has deeper water, higher velocities, more piles, and greater length than Head of Old River; the barrier at Georgiana Slough used the largest sound drivers made and required much more power and air to operate; the flow conditions and channel geometry of Georgiana Slough resulted in much higher construction costs; the Georgiana Slough barrier was designed to repel fish under both normal and reverse flows. There are no tidal reversals at the Head of Old River location. In both locations, the equipment was designed for a short-term pilot. Permanent installations may need more robust designs to withstand high flow velocities and debris loads. This could result in higher construction costs than indicated by the pilots. Permanent installations, however, may have lower operating costs.³⁵
- **Contingency.** Until further design studies can be completed, barrier costs will remain highly uncertain. A 35% contingency is added to the cost estimate to account for this uncertainty and to account for costs associated with design, permitting, and inspection. The higher contingency is in line with the contingencies used for the most uncertain cost elements for *CM1 Water Facilities and Operation* and *CM4 Tidal Natural Communities Restoration*, but is less than the cost contingency used for *CM2 Yolo Bypass Fisheries Enhancement*.

³⁵ Whereas the pilot projects relied on more costly portable generators, permanent installations would likely have dedicated power sources. Additionally, permanent installations are not expected to require complete removal at the end of each season, which may further reduce operating costs relative to the pilot projects.

Table 8-21. Cost Estimate for Nonphysical Barriers Program

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Barrier equipment costs	\$6.12	\$12.60	\$12.60	\$565.2
Contingency	\$2.14	\$4.41	\$4.41	\$197.8
Total Capital	\$8.26	\$17.01	\$17.01	\$763.0
O&M Costs				
Barrier O&M	\$4.08	\$8.40	\$8.40	\$376.8
Contingency	\$1.43	\$2.94	\$2.94	\$131.9
Total O&M	\$5.51	\$11.34	\$11.34	\$508.7
Notes:				
^a In undiscounted 2012 dollars				
The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				
O&M = operations and maintenance				

8.2.3.17 CM17 Illegal Harvest Reduction

With *CM17 Illegal Harvest Reduction*, the Implementation Office will provide funds to CDFW to hire and equip 23 additional staff (17 additional game wardens and six supervisory and administrative staff) in support of the existing field wardens assigned to the Delta-Bay Enhanced Enforcement Program (DBEEP). These staff increases will be supported for the duration of the BDCP permit term. It is expected that it will take 2 to 3 years to achieve the staff increases, with the full increase in enforcement efforts associated with CM17 beginning in year 3.

The cost estimate for illegal harvest reduction is \$286.6 million or approximately \$5.7 million annually over the 50-year permit period. A cost breakdown is provided in Table 8-22. The cost estimate is based on the following data and assumptions.

- The Implementation Office will provide funds for 23 additional DBEEP staff, including 17 Fish and Game Wardens, two Fish and Game Lieutenants (Specialist grade), one Fish and Game Lieutenant (Supervisor grade), one Fish and Game Captain, one Associate Government Program Analyst, and one Staff Programmer Analyst (Specialist grade). Estimated salary and benefit costs for the 23 positions are \$2.21 million per year, including a \$0.3 million per year allowance for overtime costs.
- Direct operating costs are estimated at \$1.92 million per year. The estimate was prepared by CDFW and includes allowances for boat slips, fuel, minor equipment, uniforms, and general office costs, plus a \$0.5 million per year allowance for special unit investigations.
- Purchase costs for vehicles, boats, and other major equipment are estimated at \$900,000. The estimate was prepared by CDFW. It is assumed for cost estimation that vehicles and major equipment would be replaced every 10 years, on average. Estimated capital expenditure over the 50-year permit period is \$5.3 million.

- An administrative and overhead cost multiplier of 0.23 is applied to direct capital, labor, and operating costs, per CDFW guidance, to account for general overhead and incidental costs that CDFW will incur to support the enforcement unit. The annual allowance for general overhead is \$0.97 million.
- A 10% contingency is added to the estimate to account for uncertainties associated with the estimates of both capital and operating costs.

Table 8-22. Cost Estimate for Illegal Harvest Reduction

Conservation Measure Costs	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Vehicles & equipment	\$0.11	\$0.11	\$0.11	\$5.3
Contingency	\$0.01	\$0.01	\$0.01	\$0.5
Total Capital	\$0.12	\$0.12	\$0.12	\$5.8
O&M Costs				
Salary and benefits	\$2.21	\$2.21	\$2.21	\$110.5
Direct operating cost	\$1.92	\$1.92	\$1.92	\$96.1
General overhead	\$0.97	\$0.97	\$0.97	\$48.7
Subtotal	\$5.11	\$5.11	\$5.11	\$255.3
Contingency	\$0.51	\$0.51	\$0.51	\$25.5
Total O&M	\$5.62	\$5.62	\$5.62	\$280.8
Notes:				
^a In undiscounted 2012 dollars				
The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				
O&M = operations and maintenance				

8.2.3.18 CM18 Conservation Hatcheries

With *CM18 Conservation Hatcheries*, the Implementation Office will provide for the support of existing and establishment of new conservation propagation programs for delta and longfin smelt. The conservation measure includes the development of a U.S. Fish and Wildlife Services (USFWS) delta and longfin smelt conservation hatchery to house a delta smelt refugial population and provide a source of delta and longfin smelt for supplementation or reintroduction, should reintroduction become an adopted conservation strategy. The conservation measure also supports the expansion of the refugial population of delta smelt and establishment of a refugial population of longfin smelt at the University of California, Davis Fish Conservation and Culture Laboratory to serve as a population safeguard in case of a catastrophic event in the wild.

The cost estimate to construct the two facilities is \$32.9 million. The cost estimate to operate the facilities is \$313.7 million, or about \$6.3 million annually over the 50-year permit period. Costs are summarized in Table 8-23, and are based on the following data and assumptions.

Facility construction. Construction of the two facilities is estimated to cost \$27.5 million. Both facilities are in preliminary planning stages and costs are uncertain. The cost of the new USFWS facility is expected to range between \$16.5 and \$28.0 million (Clarke pers. comm.). The midpoint of the range, \$22.25 million, is used for cost estimation. UC Davis has estimated expanding the smelt Refugium will cost \$5.2 million (Lindberg pers. comm.). For cost estimation, it is assumed that expansion of the UC Davis smelt refugium will be completed by year 4 and construction of the USFWS hatchery will be completed by year 7 of Plan implementation.

Operation costs. O&M costs for USFWS facility, including costs for staffing, general operations, and research and monitoring, are expected to range between \$4.1 and \$6.8 million annually (Clarke pers. comm.). The midpoint of the range, \$5.45 million, is used for cost estimation. These costs are assumed to be incurred starting in year 7 of Plan implementation. UC Davis has estimated that O&M costs of the expanded smelt refugium will average \$2.1 million annually while the USFWS hatchery is under construction. Once the USFWS is fully operational, operating costs at the Refugium are anticipated to decrease to \$0.8 million annually (Lindberg pers. comm.). For cost estimation it is assumed the USFWS will be fully operational by year 9 of Plan implementation.

Contingency. A 20% contingency is added to the construction cost estimates and a 10% contingency is added to the O&M cost estimates to account for uncertainties associated with the estimates of both capital and operating costs.

Table 8-23. Cost Estimate for Conservation Hatcheries

Conservation Measure Costs	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
USFWS Hatchery	\$2.23	\$0.00	\$0.00	\$22.3
UC Davis Smelt Refugium	\$0.52	\$0.00	\$0.00	\$5.2
Subtotal	\$2.75	\$0.00	\$0.00	\$27.5
Contingency (20%)	\$0.55	\$0.00	\$0.00	\$5.5
Total Capital	\$3.29	\$0.00	\$0.00	\$32.9
O&M Costs				
USFWS Hatchery	\$2.18	\$5.45	\$5.45	\$239.8
UC Davis Smelt Refugium	\$1.21	\$0.83	\$0.83	\$45.4
Subtotal	\$3.39	\$6.28	\$6.28	\$285.2
Contingency (10%)	\$0.34	\$0.63	\$0.63	\$28.5
Total O&M	\$3.73	\$6.91	\$6.91	\$313.7
Notes: ^a In undiscounted 2012 dollars The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error. USFWS = U.S. Fish and Wildlife Service; UC = University of California; O&M = operations and maintenance				

8.2.3.19 CM19 Urban Stormwater Treatment

With *CM19 Urban Stormwater Treatment*, the Implementation Office will oversee a program to provide funding for grants to entities such as the Sacramento Stormwater Quality Partnership, and/or counties and cities whose stormwater contributes to Delta waterways under National Pollutant Discharge Elimination System MS4 (municipal) stormwater permits, to implement actions from and in addition to their respective stormwater management plans. Proposed actions will be reviewed by technical staff in the Implementation Office or by outside experts. Projects will be funded if the Implementation Office determines that they are expected to benefit covered species.

The Implementation Office will make available up to \$50 million for grants, with a maximum grant amount of \$5 million for individual projects. Interagency agreements and program development are expected to take 2 years. For cost estimation, it is assumed the program will start awarding grants by year 3 of Plan implementation and that \$50 million in grants will have been awarded by year 15 of Plan implementation. Program administration costs are subsumed in the cost estimate for the Implementation Office and therefore not reported here. Estimated costs for urban stormwater treatment are \$50 million (Table 8-24).

Table 8-24. Cost Estimate for Urban Stormwater Treatment

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Capital Grant outlays	\$2.50	\$5.00	\$0.00	\$50.0
Notes: In undiscounted 2012 dollars. The 50-year total expenditures are more precise than the annual averages				

8.2.3.20 CM20 Recreational Users Invasive Species Program

With *CM20 Recreational Users Invasive Species Program*, the Implementation Office will fund a Delta Recreational Users Invasive Species Program designed to implement actions to prevent the introduction of new aquatic invasive species and reduce the spread of existing aquatic invasive species via recreational watercraft, trailers, and other mobile recreational equipment used in aquatic environments within the Plan Area.

The program will consist of two components: (1) education and outreach, and (2) watercraft inspection. Development of education and outreach will be governed by the *California Aquatic Invasive Species Management Plan* (California Department of Fish and Game 2008), and will include the following elements.

- IAV education programs for marina, boat ramp, and property owners within the Plan Area.
- Installation of interpretive displays at appropriate marinas, boat ramps, and other fishing or boating access sites in the Plan Area.
- Installation of interpretive displays along major roadways into the Plan Area (e.g., at highway rest stops and on billboards).

Distribution of printed materials (e.g., posters, brochures, and articles) to recreational users, boat dealers, recreational retailers (e.g., bait and tackle shops), and waterfront and shoreline property owners in the Plan Area.

Development of the watercraft inspection program will be governed by the *Uniform Minimum Protocols and Standards for Watercraft Interception Programs for Dreissenid Mussels in the Western United States* (UMPS II) (Zook and Phillips 2012). The program is expected to include both Level 2 highway spot check stations and Level 3 off highway inspection and cleaning stations capable of providing comprehensive watercraft and equipment inspection, decontamination, and quarantine of suspect watercraft.

- The capital cost estimate for the 50-year permit period is \$5.1 million. The operating cost estimate for the 50-year permit period is \$206.3 million, or about \$4.1 million annually. Estimated costs are summarized in Table 8-25, and are based on the following data and assumptions. The program will operate 7 Level 2 highway spot check stations from June through September and 9 Level 3 off highway inspection stations from March through October.
- The program will commission up to 30 interpretive displays and 10 billboards for installation at rest stops, marinas, boat ramps, and other appropriate locations in the Plan Area, at an average cost of \$3,745 per display and \$21,344 per billboard.³⁶ On average, interpretive displays and billboards will be replaced every 10 and 20 years, respectively. Estimated capital cost for signage over the 50-year permit period is \$1.38 million.
- Of the nine Level 3 inspection stations, six will be mobile and three will be semi-permanent. Each mobile station will be equipped with a mobile decontamination unit. Each semi-permanent station will be equipped with a stationary decontamination unit. New portable and stationary decontamination units are estimated to cost \$15,600 and \$104,000, respectively. Portable units will be replaced every 5 years, on average. Stationary units will be replaced every 10 years, on average. Estimated capital expenditure for decontamination units over the 50-year permit period is \$2.85 million.
- Total staffing requirement for the education/outreach and inspection programs is 40 full-time equivalent positions, including 1.5 positions for education/outreach, 13.5 positions for highway spot check stations, and 25 positions for off highway inspection stations.³⁷ Estimated annual cost for salaries and benefits is \$2.65 million.³⁸

³⁶ Interpretive display average cost is based on a sample of costs for six interpretive display projects in five states. A total of 146 separate interpretive displays were represented in the sample. Costs ranged from a low of \$1,600 to a high of \$5,250 per display, inclusive of planning, graphic design, fabrication, and installation costs. Billboard average cost is based on planning, permitting, construction, and installation costs for a 25-foot-high, 14-foot-by-48-foot A-framed wood single-faced billboard. Permitting, construction, and installation costs are from billboard cost and depreciation schedules published by Oregon Department of Revenue (2007).

³⁷ Based on California Department of Food and Agriculture guidelines for highway inspection stations, each spot check station would need to be staffed by two people for 16 hours per day for 4 months of the year (7 stations x 2 staff x 16 hrs/day x 30.4 days/mo x 4 mo x 1 FTE/2080 hrs = 13 FTE (rounded to nearest 0.5 FTE) (Cline pers. comm.). Using staffing estimates prepared by the Western Regional Panel on Aquatic Nuisance Species (2010) for Level 3 inspection stations, off highway inspection stations would require 2.8 FTE positions per station, or a total of 25 FTE (rounded to nearest 0.5 FTE) for 9 stations.

³⁸ Salary costs for inspection station staff are drawn from salary cost estimates prepared by the Western Regional Panel on Aquatic Nuisance Species (2010) for Level 3 inspection stations. Salary costs for education program staff are equivalent to salary costs for 1 FTE Fish and Wildlife Interpreter and 0.5 FTE Staff Environmental Scientist positions.

- Station operating costs for vehicles, equipment, repairs, and other incidental costs will average \$3,525 per month (Cline pers. comm.). The Level 2 spot check stations will operate 4 months a year and the Level 3 inspection stations will operate 8 months per year. Estimated station operating cost is \$0.35 million annually.
- An allowance of \$30,000 per year is included for printing and related costs.
- An administrative and overhead cost multiplier of 0.23 is applied to direct capital, labor, and operating costs, per CDFW guidance, to account for general overhead and incidental costs that agency or agencies overseeing the program will incur to support the education and inspection programs. The annual allowance for general overhead is \$0.72 million.
- A 20% contingency is added to the capital cost estimates and a 10% contingency is added to the operating cost estimates to account for uncertainties associated with the estimates.

Table 8-25. Cost Estimate for Recreational Users Invasive Species Program

Conservation Measure Costs	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Signage	\$0.03	\$0.03	\$0.03	\$1.4
Inspection stations	\$0.06	\$0.06	\$0.06	\$2.9
Subtotal	\$0.08	\$0.08	\$0.08	\$4.2
Contingency	\$0.02	\$0.02	\$0.02	\$0.8
Total Capital	\$0.10	\$0.10	\$0.10	\$5.1
O&M Costs				
Salaries & benefits	\$2.65	\$2.65	\$2.65	\$132.5
Inspection stations	\$0.35	\$0.35	\$0.35	\$17.6
Printing	\$0.03	\$0.03	\$0.03	\$1.5
General overhead	\$0.72	\$0.72	\$0.72	\$35.9
Subtotal	\$3.75	\$3.75	\$3.75	\$187.5
Contingency	\$0.38	\$0.38	\$0.38	\$18.8
Total O&M	\$4.13	\$4.13	\$4.13	\$206.3
Notes:				
^a In undiscounted 2012 dollars				
The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				
O&M = operations and maintenance				

8.2.3.21 CM21 Nonproject Diversions

CM21 Nonproject Diversions, the Implementation Office will provide funding for actions that will minimize the potential for entrainment of covered fish due to operation of unscreened nonproject diversions. This includes funding studies to inventory and prioritize unscreened nonproject

diversions for remediation and funding up to \$50 million of remediation projects at an estimated average rate of 100 cfs annually. The Implementation Office will also provide post construction monitoring to ensure effectiveness. Costs for post construction monitoring are subsumed within the cost estimate for monitoring and research (Section 8.2.5, *Monitoring and Research Action Costs*) and therefore are not included here. Similarly, costs for program oversight and reporting are subsumed in the Implementation Office cost estimate (Section 8.2.4, *Plan Administration Costs*). This section provides cost estimates for the inventory and prioritization studies and funding of diversion remediation.

Diversion remediation costs counted under this conservation measure are estimated at \$56.7 million. The cost estimate is summarized in Table 8-26 and is based on the following data and assumptions.

- A technical team will be assembled to monitor diversions, prioritize them for remediation, and determine the most cost-effective approach for each diversion. Monitoring and prioritization is expected to require 3 years to complete at an estimated cost of \$5.6 million (Meier pers. comm.).
- Remediation may be done either by screening, relocating, or eliminating unscreened diversions. It is assumed a diversion would be relocated or eliminated only if this were less expensive than screening it. Screening cost is used for cost estimation since it provides the most conservative basis for cost estimation.
- Screening costs rise steeply with diversion size, due to increasing complexity of design and construction. Data from existing screening programs was used to estimate average screening costs for three size categories: (1) 100 cfs or less, (2) 100 to 250 cfs, and (3) greater than 250 cfs. Estimated screening costs for the three categories are \$8,700/cfs, \$33,300/cfs, and \$111,800/cfs.³⁹ Existing inventories of unscreened Delta diversions indicate that 90% of unscreened capacity is from small diversions of 100 cfs or less, 5% is from medium diversions of 100 to 250 cfs, and 5% is from large diversions of more than 250 cfs. Given these proportions, the average screening cost per cfs is \$15,100 (rounded to nearest \$100). A 20% contingency is added to the estimate to account for uncertainties associated with remediation costs. The average screening cost with contingency is \$18,120/cfs.
- Remediation of unscreened diversions will begin by year 6 of Plan Implementation at an average rate of 100 cfs/yr. Diversion remediation expenditures are capped at \$50 million. For cost estimation, it is assumed the program will remediate 2,759 cfs of diversion capacity by year 35 of Plan implementation, at which point the program will reach its capital expenditure cap.

³⁹ Average screening costs for diversions less than 100 cfs and between 100 and 250 cfs were derived from data compiled by PG&E and CDFW. Average screening cost for diversions greater than 250 cfs is set to the midpoint of the cost range provided by CDFW (Schoyer pers. comm.).

Table 8-26. Cost Estimate for Nonproject Diversions

Conservation Measure Costs	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Capital Costs				
Diversion remediation	\$0.76	\$1.51	\$0.76	\$41.7
Contingency	\$0.15	\$0.30	\$0.15	\$8.3
Total Capital	\$0.91	\$1.81	\$0.91	\$50.0
O&M Costs				
Inventory & prioritization study	\$0.56	\$0.00	\$0.00	\$5.6
Contingency	\$0.11	\$0.00	\$0.00	\$1.1
Total O&M	\$0.67	\$0.00	\$0.00	\$6.7
Notes: ^a In undiscounted 2012 dollars The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error. O&M = operations and maintenance				

8.2.3.22 CM22 Avoidance and Minimization Measures

With *CM22 Avoidance and Minimization Measures*, the Implementation Office will implement measures designed to avoid and minimize potential impacts on covered species. The specific actions associated with avoidance and minimization measures are discussed in detail in Appendix 3.C, *Avoidance and Minimization Measures*. To ensure that all Plan costs were accounted for, avoidance and minimization measures were screened to determine which would entail additional costs beyond the estimated costs of Plan implementation presented in other cost categories. Most avoidance and minimization measure costs are subsumed within conservation measure implementation costs. The list of avoidance and minimization measures and the results of the screening process are presented in the assumptions of Appendix 8.A, *Implementation Costs Supporting Materials*. This section presents cost estimates for the subset of avoidance and minimization measures, including costs for planning, preconstruction, and construction surveys, which are expected to entail additional implementation costs. These additional costs, including 20% contingency, are summarized in Table 8-27. The assumptions and methods used to estimate these costs are presented in Appendix 8.A.

Table 8-27. Cost Estimate for Avoidance and Minimization Measures

AMM Costs Not Counted Elsewhere	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
O&M Costs				
Planning and construction surveys	\$1.15	\$0.50	\$0.27	\$23.6
Other costs not counted elsewhere	\$0.32	\$0.12	\$0.08	\$6.7
Contingency	\$0.29	\$0.12	\$0.07	\$6.1
Total O&M	\$1.77	\$0.74	\$0.43	\$36.3
Notes: ^a In undiscounted 2012 dollars The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error. O&M = operation and maintenance				

8.2.3.23 Property Tax and Assessment Revenue Replacement

New Delta conveyance facilities are required to offset loss of local property tax and assessment revenues resulting from location, construction, mitigation, or operation of water conveyance facilities must be offset by the Implementation Office (Water Code 85089). Although not legally required to do so, the Implementation Office will also offset the loss of local property tax and assessment revenue resulting from fee-title acquisition of land for the reserve system during the permit term. Estimated property tax and assessment revenue offsets over the 50-year permit period for conveyance and the reserve system are \$49.3 and \$176.7 million, respectively. The cost estimate is summarized in Table 8-28 and is based on the following data and assumptions.

- Acquisition of fee-title interest in private land is assumed to result in loss of local property tax and assessment revenues. Surface and subsurface easement acquisition is not expected to have a significant impact of local property tax and assessment revenue and therefore is excluded from the analysis (Meyer, 2001).
- An assessment rate of 1.5% per dollar of assessed value is used to estimate property tax and assessment revenue impacts. The assessment rate is based on an analysis by DHCCP (2009) which examined property tax and assessment burdens on parcels expected to be inside the conveyance facility footprint. Total assessment rate varied by county, ranging between 1.25% and 1.75% of assessed value. The cost estimate uses the midpoint of the range.
- Because assessed property value is generally lower than market value, the assessment rate could not be directly applied to estimated fee-title acquisition costs. The rate was therefore re-expressed in terms of fee-title value by calculating the ratio of assessed value to estimated market value for the parcels included in the DHCCP study and then multiplying the 1.5% average assessment rate by this ratio. This resulted in an average assessment ratio of 1.0% per dollar of market value. The assessment rate as a percent of market value was then applied to the fee-title land acquisition cost estimates (including the 20% contingency) for each conservation measure.

Table 8-28. Cost Estimate for Property Tax and Assessment Revenue Replacement

Property Tax and Assessment Revenue Replacement	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Fee-title Acquisition Cost				
Land for Conveyance Facility	\$10.26	\$0.00	\$0.00	\$102.6
Land for Conservation Reserve	\$15.22	\$15.58	\$9.67	\$568.7
Total	\$25.49	\$15.58	\$9.67	\$671.3
Property Tax and Assessment Revenue Offset	\$0.00	\$0.01	\$0.15	\$5.2
Land for Conveyance Facility	\$0.82	\$1.03	\$1.03	\$49.3
Land for Conservation Reserve	\$0.83	\$1.99	\$4.53	\$176.7
Total	\$1.65	\$3.02	\$5.55	\$226.0
Notes: ^a In undiscounted 2012 dollars The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error. O&M = operations and maintenance				

8.2.4 Plan Administration Costs

This section presents estimated costs for program administration. Program administration costs include expenditures related to staff, facilities, equipment, vehicles, and associated overhead necessary to support the Implementation Office. Associated overhead costs include staff benefits, insurance, legal and financial assistance, and travel. For the purpose of the cost analysis, the Implementation Office is assumed to be located in Sacramento, California. This assumption provides a conservative basis from which to estimate program administration costs. Administrative costs associated with management of the land reserve during and after the permit term are included in the cost estimate for *CM11 Natural Communities Enhancement and Management* and are not included here. Additionally, administrative costs that may be incurred by entities other than the Implementation Office (e.g., supporting entities; see Chapter 7, *Implementation Structure*) are not included in the program administration cost estimate.

Estimated costs are summarized in Table 8-29. These estimates are based on the following cost estimation methods and assumptions.

Staff and related costs. The Implementation Office staff costs are based on a staffing plan developed for the BDCP and the salary and benefit assumptions described in Section 8.2.2, *Common Assumptions for Cost Estimation* (Appendix 8.A, *Implementation Costs Supporting Materials*). Staffing costs include allowances for benefits, travel, and training. Staffing levels assumed for the cost estimate vary over the permit term, from a low of 41 FTE positions to a maximum of 57 FTE positions by year 21 of Plan implementation.

Office space and related costs. Office space and related costs include the office rental costs, utilities, general office equipment, staff -assigned office equipment, geographic information system (GIS) hardware and software, and public outreach materials. Cost assumptions for each of these items are as follows.

- *Office space and utilities.* An office space requirement of 250 square feet per FTE is assumed. Unfurnished office space is estimated to cost \$2.65 per square foot per month, including utilities.⁴⁰
- *General office equipment.* This category includes copy machines, telephone systems, printers, fax machines, and specialized equipment such as digital cameras, trunked radio systems, and publications and subscriptions. It also includes common area office furniture. Annual costs are estimated by amortizing the purchase cost of each type of equipment or furniture over its useful life.⁴¹ Some items are assumed to include annual service contract costs. See Appendix 8.A, *Implementation Costs Supporting Materials* for details.
- *Staff -assigned office equipment.* This category includes cubicle office furniture, computers, cell phones, and office supplies. Annual costs are estimated by multiplying the number of FTE staff positions by the amortized cost of equipment. Some items are assumed to include annual service contract costs. See Appendix 8.A, *Implementation Costs Supporting Materials* for specific staff-assigned equipment cost assumptions.
- *GIS hardware and software.* This category includes a dedicated GIS/database server, tablet personal computer, plotter, global positioning system (GPS) unit, GIS software, and related computer software. Annual costs are based on the estimated purchase cost for each item amortized over its useful life. Some items are assumed to include annual service contract costs. See Appendix 8.A, *Implementation Costs Supporting Materials* for specific GIS equipment cost assumptions.
- *Public outreach costs.* This category includes an annual allowance for printed material, public meetings, and focus groups, including costs for design, layout, printing, postage, web services, and facilities rental. Annual public outreach costs are assumed to vary over the term of the BDCP. See Appendix 8.A, *Implementation Costs Supporting Materials* for specific public outreach cost assumptions.

Vehicle and related costs. Vehicle costs include the costs for owned and rented vehicles as well as allowances for fuel, maintenance, and insurance. Owned vehicle annual costs are based on the vehicle's estimated purchase cost amortized over its useful life plus an annual allowance for fuel, maintenance, and insurance. Annual costs for rented vehicles are based on a daily rental rate multiplied by the number of rental days per year per 1,000 acres of natural community under management. See Appendix 8.A, *Implementation Costs Supporting Materials* for specific vehicle quantity and cost assumptions.

Legal, accounting, and insurance costs: Insurance requirements for the Implementation Office are assumed to include directors' and officers' insurance, general liability insurance, and professional

⁴⁰ The assumption is made that office space markets are sufficiently competitive and that rental rates provide a reasonable proxy of square footage costs of office space whether it is purchased, leased, or newly constructed. The rental rate assumption is approximately 125% of current office rental rates in downtown Sacramento. The 25% premium is added to account for the currently depressed commercial real estate market in Sacramento.

⁴¹ This is equivalent to assuming general office equipment and furniture is leased by the Implementation Office.

liability insurance. Liability insurance is assumed to total \$39,000 per year.⁴² The Implementation Office is assumed to require outside legal and accounting assistance throughout the term of the BDCP.⁴³ Outside legal costs are calculated by multiplying an hourly rate by annual hours of assistance. The amount of outside legal assistance needed by the Implementation Office is assumed to vary over the term of the BDCP. Accounting assistance costs are based on an annual lump sum allowance for auditing and other financial services. See Appendix 8.A, *Implementation Costs Supporting Materials* for specific legal and accounting assistance cost assumptions.

Total estimated costs are \$336.4 million.

Table 8-29. Cost Estimate for Implementation Office

Conservation Measure Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
O&M Costs				
Labor	\$4.93	\$5.78	\$5.15	\$258.5
Overhead & operations	\$1.73	\$1.81	\$1.47	\$77.9
Total O&M	\$6.66	\$7.59	\$6.62	\$336.4
Notes:				
^a In undiscounted 2012 dollars				
The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				
O&M = operations and maintenance				

8.2.5 Monitoring and Research Action Costs

This section provides cost estimates for monitoring actions described in Appendix 3.D, *Monitoring and Research Actions*. Monitoring and potential research actions are organized by conservation measure. Cost estimates for these monitoring actions were derived in a bottom-up fashion, by segregating each action into its components (e.g., staff time, equipment costs) and estimating component costs. For each monitoring action, cost estimate assumptions associated with the monitoring action are listed in bullet format in Appendix 8.A, *Implementation Costs Supporting Materials*. These assumptions pertain to the effort needed to complete the monitoring objectives (e.g., staff hours, equipment, parcel sizes, number of survey plots and survey intervals) and the level of personnel expertise required (e.g., senior level engineer, midlevel biologist). For descriptions and hourly rate assumptions for staff functions see Section 8.2.4, *Plan Administration Costs*. Solicitation and coordination of science input are maintained by the Program Manager and Science Manager; costs of these positions are covered by the administration costs along with the costs of the support

⁴² Vehicle and employee health/disability/workers compensation insurance costs are calculated separately from liability insurance costs. Vehicle insurance costs are included in the vehicle cost estimate, while employee insurance costs are captured by the benefits multiplier applied to wage and salary costs.

⁴³ These services would be in addition to legal counsel and budget analyst positions in the Implementing Office. See Appendix 8.A, *Implementation Costs Supporting Materials* for details.

1 staff of biologists and data managers. This includes costs for synthesizing and communicating
2 monitoring results. As outlined in Chapter 7, Section 7.3.4, *Coordination of Adaptive Management*
3 *and Monitoring Program*, and Chapter 3, Section 3.6, *Adaptive Management and Monitoring Program*,
4 the Adaptive Management Team will be responsible for overseeing and managing the biological
5 monitoring and research program, with input and advice coming from independent scientists
6 through the Delta Science Program and other science programs.

7 As discussed above, costs for monitoring and research actions were estimated based on the
8 potential actions identified in Chapter 3, *Conservation Strategy*. However, these potential actions are
9 necessarily incomplete. Actual monitoring and research actions will be determined during
10 implementation, so many of these specific actions and their costs cannot be estimated at this time.
11 To account for these future costs, actual monitoring and research costs of the Interagency Ecological
12 Program (IEP), U.S. Geological Survey (USGS), and Reclamation monitoring programs that overlap
13 with the BDCP were included to reach the grand total estimates of BDCP monitoring and potential
14 research costs found in Table 8-30 and Table 8-31.⁴⁴ For cost estimation purposes, it has been
15 assumed that half of these costs will be associated with monitoring and half with potential research
16 actions. In addition, existing monitoring program costs such as those of IEP were used to estimate
17 BDCP monitoring and research costs for the monitoring and research actions described in Chapter 3,
18 *Conservation Strategy*. Appendix 8.A, *Implementation Costs Supporting Materials* provides more
19 detail on IEP and other monitoring program costs and their use in developing cost estimates for
20 BDCP monitoring and potential research actions.

21 Estimated costs for effectiveness and compliance monitoring and potential research actions are
22 summarized in Table 8-30 and Table 8-31, respectively.

⁴⁴ These assumptions were made only for the purpose of the cost estimate; the Implementation Office will be responsible for ensuring that existing monitoring efforts provide the required data, statistical and sampling rigor to meet BDCP needs, regardless of who performs the monitoring or research actions.

1 **Table 8-30. Cost Estimate for Effectiveness and Compliance Monitoring**

Monitoring Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
O&M Costs				
Effectiveness Monitoring				
CM1 Water Facilities and Operation	\$0.01	\$0.26	\$0.25	\$10.2
CM2 Yolo Bypass Fisheries Enhancement	\$0.29	\$0.21	\$0.19	\$10.7
CM3 Natural Communities Protection and Restoration	\$0.03	\$0.03	\$0.05	\$2.1
CM4 Tidal Natural Communities Restoration	\$0.86	\$1.25	\$1.37	\$62.8
CM5 Seasonally Inundated Floodplain Restoration	\$0.00	\$0.09	\$0.18	\$6.6
CM6 Channel Margin Enhancement	\$0.03	\$0.06	\$0.09	\$3.5
CM7 Riparian Natural Community Restoration	\$0.08	\$0.11	\$0.23	\$9.3
CM8 Grassland Natural Community Restoration	\$0.04	\$0.09	\$0.06	\$3.0
CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration	\$0.04	\$0.05	\$0.02	\$1.3
CM10 Nontidal Marsh Restoration	\$0.11	\$0.11	\$0.15	\$6.8
CM11 Natural Communities Enhancement and Management	\$1.33	\$2.33	\$3.80	\$158.0
CM12 Methylmercury Management	\$0.13	\$0.03	\$0.03	\$2.6
CM13 Invasive Aquatic Vegetation Control	\$0.06	\$0.06	\$0.06	\$2.8
CM14 Stockton DWSC DO Levels	\$0.24	\$0.18	\$0.09	\$6.6
CM15 Localized Reduction of Predatory Fishes	\$0.43	\$0.15	\$0.15	\$10.3
Subtotal	\$3.66	\$5.02	\$6.71	\$296.5
Contingency @ 20%	\$0.73	\$1.00	\$1.34	\$59.3
Total Effectiveness Monitoring	\$4.39	\$6.02	\$8.05	\$355.8
Compliance Monitoring				
CM1 Water Facilities and Operation	\$0.06	\$0.11	\$0.07	\$3.6
CM2 Yolo Bypass Fisheries Enhancement	\$0.03	\$0.06	\$0.06	\$2.7
CM6 Channel Margin Enhancement	\$0.00	\$0.00	\$0.00	\$0.1
Subtotal	\$0.10	\$0.17	\$0.13	\$6.3
Contingency @ 20%	\$0.02	\$0.03	\$0.03	\$1.3
Total Compliance Monitoring	\$0.11	\$0.20	\$0.15	\$7.6
Monitoring Costs of Existing IEP and Related Programs that Overlap with the BDCP	\$2.86	\$2.86	\$2.86	\$142.9
Total Monitoring	\$7.36	\$9.08	\$11.06	\$506.2
Notes:				
^a In undiscounted 2012 dollars				
The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				
DWSC = Deep Water Ship Channel; DO = dissolved oxygen; IEP = Interagency Ecological Program				

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1 **Table 8-31. Cost Estimate for Potential Research**

Research Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
O&M Costs				
CM1 Water Facilities and Operation	\$2.00	\$2.25	\$0.32	\$42.5
CM2 Yolo Bypass Fisheries Enhancement	\$0.18	\$0.45	\$0.11	\$8.0
CM3 Natural Communities Protection and Restoration	\$0.00	\$0.00	\$0.00	\$0.0
CM4 Tidal Natural Communities Restoration	\$0.86	\$0.86	\$0.86	\$42.9
CM5 Seasonally Inundated Floodplain Restoration	\$0.00	\$0.01	\$0.02	\$0.9
CM7 Riparian Natural Community Restoration	\$0.10	\$0.10	\$0.10	\$4.8
CM11 Natural Communities Enhancement and Management	\$0.10	\$0.10	\$0.10	\$5.0
CM12 Methylmercury Management	\$2.04	\$2.65	\$1.92	\$100.9
CM13 Invasive Aquatic Vegetation Control	\$0.29	\$0.34	\$0.09	\$7.9
CM15 Localized Reduction of Predatory Fishes	\$0.19	\$0.22	\$0.04	\$4.4
CM16 Nonphysical Fish Barriers	\$0.06	\$0.05	\$0.05	\$2.6
Subtotal	\$5.81	\$7.02	\$3.62	\$219.8
Contingency (20%)	\$1.16	\$1.40	\$0.72	\$44.0
Research Costs of Existing IEP and Related Programs that Overlap with the BDCP	\$2.86	\$2.86	\$2.86	\$142.9
Total Research	\$9.83	\$11.28	\$7.20	\$406.6
Notes:				
^a In undiscounted 2012 dollars				
The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				
IEP = Interagency Ecological Program				

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3 **8.2.6 Changed Circumstances Costs**

4 The changed circumstances provisions of the BDCP are intended to address reasonably foreseeable
5 events that may impede or prevent the benefits expected from the conservation measures. Chapter
6 6, Section 6.4.2, *Changed Circumstances*, identifies a broad range of potential changed circumstances.
7 As noted in Section 6.4.2, responses to changed circumstances will largely be developed and
8 implemented as part of the adaptive management program. However, responses to certain changed
9 circumstances are expected to result in additional implementation costs, if such responses become
10 necessary. This section describes these costs and their derivation. The funds budgeted for changed

circumstances represent a limit on the Permittees'⁴⁵ obligations to provide funding for remediation of changed circumstances as part of the BDCP.

To allow for the ability to respond to changed circumstances should they occur, the Implementation Office should maintain a reserve fund for covering costs of changed circumstances. This fund should grow over time in proportion to the size of the reserve system and the restoration program. This is because the risk of certain changed circumstances (e.g., failure of levees connected to tidal marsh and floodplain restoration) and cost of remedial measures increases as greater portions of the conservation strategy are implemented. The incremental funding for changed circumstances presented in this section considers this.

For purposes of cost estimation, the changed circumstances described in Chapter 6, Section 6.4.2, *Changed Circumstances*, are divided into two categories. First, costs are described for changed circumstances for which responses are already accounted for in the cost estimates of one or more conservation measures. Second, changed circumstances are described for which new implementation costs are expected.

Changed circumstances for which response costs are accounted for directly or implicitly in the estimated costs of conservation measures or program administration. This category includes changed circumstances related to climate change, flooding, failure of water operations infrastructure, nonnative invasive species, new species listings, and toxic or hazardous spills.

- *Climate change.* The Plan already anticipates the effects of climate change in the conservation strategy and the effects analysis, so no additional actions are required to remediate climate change effects on covered species and natural communities in the reserve system or in the operation of CM1. Because these responses to the anticipated effects of climate change are already built into the Plan and its cost assumptions, no additional remedial actions or costs are included.
- *Flooding.* A changed circumstance related to flooding is defined as any flood event on a conservation site caused by excessive precipitation, up to a 200-year flood event in magnitude, if the flooding is determined to cause permanent loss of ecological benefits provided by the conservation measures. Responses to flooding will include measures to repair or replace the restoration site once floodwater recedes. The cost contingencies included in the conservation measure cost estimates are deemed sufficient to accommodate restoration site repair or replacement.
- *Nonnative invasive species and diseases.* Responses to new nonnative invasive species or diseases that may affect covered species will be determined through the adaptive management process and may include measures to reduce or control the adverse effect of new nonnative invasive species or diseases and/or implementation of alternative conservation measures that provide equivalent levels of benefit to applicable covered species. The cost contingencies included in the conservation measure cost estimates, which range from 20 to 50%, are deemed sufficient to accommodate changes in design or implementation required to control adverse effects of new nonnative invasive species. If the presence of new nonnative invasive species or diseases necessitates implementation of alternative conservation measures, it is expected that costs would be comparable to the costs of the measures being replaced.

⁴⁵ The Permittees are the California Department of Water Resources and the participating state and federal water contractors

- 1 • *New species listing.* If a new species is listed that is not covered by the BDCP, the Implementation
2 Office will evaluate the potential effects of covered activities on this species and implement
3 measures to avoid effects on the newly listed species until take authorization can be secured.
4 The costs of the evaluation are included in program administration costs previously described.
5 Similarly, expected costs of avoidance measures are assumed in the costs of CM22 and in the
6 construction costs of relevant natural community conservation measures.
- 7 • *Toxic or hazardous spills.* Cost liability is assumed to rest with the party responsible for the spill
8 event. Thus, spill events that are not attributable to covered activities will not result in
9 additional cost. Construction activity is considered the most likely source of a spill event caused
10 by a covered activity. In such situations, the construction contingencies and bonding/insurance
11 requirements of contractors are expected to cover any costs of spill remediation.
- 12 • *Vandalism in reserve.* Costs associated with repairing or replacing structures in the reserve
13 system that are vandalized are subsumed within the cost estimates and cost contingencies for
14 those structures.

15 **Changed circumstances for which responses are expected to result in additional**
16 **implementation costs.** This category includes changed circumstances related to failure of levees
17 constructed as part of the BDCP and damage to reserve lands caused by nonprescribed fire.

18 Estimated costs for changed circumstances expected to result in incremental costs of
19 implementation are summarized in Table 8-32. These estimates are based on the following cost
20 estimation methods and assumptions.

- 21 • *Failure of levees constructed as part of the BDCP.*⁴⁶ Both tidal natural community restoration and
22 floodplain development involve modification of existing and/or construction of new levees.
23 Notwithstanding the integrity of constructed levees, the Implementation Office may encounter
24 circumstances in which these levees subsequently fail. In such an event, the Implementation
25 Office may be responsible for undertaking actions to restore the functions of natural
26 communities degraded or lost because of failure. For cost estimating purposes, the response is
27 assumed to include repair of the damaged levee and restoration or replacement of damaged
28 natural communities. Because of differences in geographic location, land use, and levee design,
29 expected costs of levee failure are estimated separately for levees connected to tidal natural
30 community restoration and floodplain development as follows.
- 31 ○ *Levees constructed for tidal natural communities restoration.* A probabilistic model of levee
32 failure is used to estimate the likelihood of a levee failure in each permit year. Failure due to
33 both flood and seismic events is considered. Risk of failure due to flood events is estimated
34 by converting a 1:100-year level of flood protection into an expected rate of failure per mile
35 of constructed levee. Seismic failure rates per mile are assumed similar to those for existing
36 levees within the relevant ROA, as estimated by the Delta Risk Management Strategy Phase
37 1 report (California Department of Water Resources 2008).⁴⁷ The flood and seismic failure

⁴⁶ The Implementation Office is not responsible for the repair of levee failures by levees not constructed or maintained by BDCP.

⁴⁷ Seismic levee failure probabilities for Delta islands and tracts within each ROA were taken from Table 13-3 of the *Final Delta Risk Management Strategy Phase 1 Report*. These island failure probabilities were converted to seismic failure rates per mile of levee using data on island levee miles reported in Table 13-1 of the *Final Delta Risk Management Strategy Phase 1 Report*. The average of these probabilities was used to estimate the seismic risk per mile of BDCP constructed levees in each ROA.

rates per mile are added together to get the composite rate of failure per mile. The composite rate is then multiplied by the number of miles of BDCP constructed levees in each permit year to get the probability of a levee failure for each permit year. A low and high estimate of levee repair cost is used to calculate the expected cost of levee repair in each permit year. The estimate assumes repair costs for tidal natural community levees would be roughly half the average cost of repair for a significant levee failure, as reported by Suddeth et al. (2010).⁴⁸ Repair costs are set to half the average cost reported by Suddeth et al. on the assumption that it will not be necessary to repair every breach or reclaim all flooded land in tidal natural community zones. It is also assumed that a failed tidal natural community levee would require reconstruction of an average of 10% of the affected tidal natural community at a cost of \$6,400 per acre.⁴⁹ Expected costs over the 50-year permit term are approximately 10 to 15% of the tidal natural community construction cost for *CM4 Tidal Natural Communities Restoration*.

- *Levees constructed for floodplain development.* A probabilistic model of levee failure similar to the one developed for tidal natural communities is used to estimate the probability of floodplain levee failure in each permit year, and is based on the average cost of repair for a significant levee failure, as reported by Suddeth et al. (2010). Additionally, it is assumed that damages to land and assets protected by a breached floodplain levee would equal 10% of the flooded island's or tract's land and asset value. The two costs are multiplied by the probability of failure for each permit year to estimate the expected cost of floodplain levee failure of the 50-year permit term. This cost is then allocated between the BDCP and state/federal flood agencies according to the cost share percentages used to calculate the low and high cost estimates for *CM5 Seasonally Inundated Floodplain Restoration*.

- *Wildfire.* Most natural communities in the Plan Area, including valley/foothill riparian and wetland natural communities and cultivated lands, are typically not prone to wildfire. The nonaquatic lands within the Plan Area are primarily characterized by intensively managed cultivated lands and grasslands, which generally do not provide the conditions for uncontrolled or extensive fire events. In an event of a wildfire, the Implementation Office will conduct a detailed assessment within 3 months of the event to identify appropriate post-fire restoration and rehabilitation actions. Such actions, which may include natural communities restoration, nonnative invasive species control, or erosion management, will be undertaken to ensure reestablishment of covered plants and other native vegetation through active or passive means, as appropriate. In addition, appropriate erosion control structures and applications (e.g., seeding) will be put in place before the upcoming rainy season.

The Implementation Office will also implement a postfire monitoring plan for a 2-year period following the fire. If over the course of the monitoring period it is determined that vegetation is not recovering sufficiently in the burned area to reestablish the original functions of the affected natural communities, the Implementation Office will develop and implement a natural community restoration plan to restore natural community functions of the affected areas. These actions are most likely to be required for a wildfire on restored riparian areas. Fire in riparian

⁴⁸ Suddeth et al. estimate the average cost of repair, which includes costs of mobilization, breach stabilization, breach closure, and island pump-out, averages \$26.5 million (2012 dollars), based on data compiled by the Delta Risk Management Strategy, DWR, and interviews with various Delta engineers.

⁴⁹ The per-acre cost is derived from the tidal habitat construction cost estimate developed for CM4 and includes the habitat restoration costs other than land acquisition, levee construction, and major grading.

acreage is more likely to go unchecked and may result in significant impairment of natural community function. If it is determined through monitoring that burned riparian vegetation is not recovering at a sufficient rate through natural processes, active reestablishment may be required. These costs are not expected to exceed 5% of the initial cost of riparian natural community establishment estimated for *CM7 Riparian Natural Community Restoration*.

The expected cost for changed circumstances is \$183.9 million.

Table 8-32. Cost Estimate for Changed Circumstances

Conservation Measure Capital Cost Items	Average Annual Expenditure by Plan Implementation Period (Millions)a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Repair/Replacement of Constructed Habitat				
Tidal habitat levees	\$0.73	\$1.55	\$3.47	\$136.6
Floodplain levees	\$0.00	\$0.00	\$1.02	\$35.8
Riparian habitat damaged by fire	\$0.07	\$0.18	\$0.28	\$11.6
Total Capital Costs	\$0.80	\$1.73	\$4.78	\$183.9
Notes:				
^a In undiscounted 2012 dollars				
The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				

8.2.7 Summary of Estimated Costs

8.2.7.1 Undiscounted Average Annual and 50-Year Total Costs of Plan Implementation

Estimated capital and operating costs of Plan Implementation over the 50-year permit period are summarized in Table 8-33 and Table 8-34, respectively. Average annual expenditures by Plan Implementation period are summarized in the first three columns, followed by the 50-year total cost of implementation in the last column of each table. Dollar amounts are shown in undiscounted 2012 constant dollars. The total estimated capital outlay over the 50-year permit period is approximately \$20 billion, while the total estimated operating outlay is approximately \$4.9 billion, in undiscounted 2012 constant dollars.

8.2.7.2 Present Value of Average Annual and 50-Year Total Costs of Plan Implementation

Estimated capital and operating costs of Plan Implementation discounted to present value are summarized in Table 8-35 and Table 8-36, respectively. Future values were discounted to the

present using a 3% real discount rate.⁵⁰ The present value of estimated capital outlays over the 50-year permit period is approximately \$15.4 billion, while the present value of estimated operating outlays is approximately \$2.3 billion.

Table 8-33. Undiscounted Capital Outlays by Plan Implementation Phase and Element

BDCP Plan Implementation Elements	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Water conveyance facilities (CM1)	\$1,457.1	\$0.0	\$0.0	\$14,570.9
Natural communities restoration and protection (CM2-CM11)	\$146.7	\$98.6	\$63.1	\$4,170.0
Other stressors (CM12-CM22)	\$15.3	\$24.5	\$18.6	\$926.7
Changed circumstances	\$0.8	\$1.7	\$4.8	\$183.9
Total Capital Outlays	\$1,619.9	\$124.8	\$86.5	\$19,851.4
Notes:				
^a In undiscounted 2012 dollars				
The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				

Table 8-34. Undiscounted O&M Outlays by Plan Implementation Phase and Element

BDCP Plan Implementation Elements	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Water conveyance facilities (CM1)	\$0.0	\$25.1	\$38.0	\$1,456.0
Natural communities restoration and protection (CM2-CM11)	\$1.2	\$2.9	\$6.0	\$236.6
Other stressors (CM12-CM22)	\$30.8	\$38.9	\$35.2	\$1,734.5
Local government revenue replacement	\$1.7	\$3.0	\$5.6	\$226.0
Monitoring and research measures	\$17.2	\$20.4	\$18.3	\$912.8
Plan administration	\$6.7	\$7.6	\$6.6	\$336.4
Total Operating Outlays	\$57.5	\$97.9	\$109.6	\$4,902.3
Notes:				
^a In undiscounted 2012 dollars				
The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				

⁵⁰ Given current inflation expectations, a 3% real discount rate is roughly equivalent to a 5% nominal cost of borrowing.

1 **Table 8-35. Present Value of Capital Outlays by Plan Implementation Phase and Element**

BDCP Plan Implementation Elements	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Water conveyance facilities (CM1)	\$1,225.8	\$0.0	\$0.0	\$12,258.0
Natural communities restoration and protection (CM2-CM11)	\$125.1	\$67.0	\$28.2	\$2,571.7
Other stressors (CM12-CM22)	\$12.8	\$16.7	\$7.4	\$471.2
Changed circumstances	\$0.7	\$1.2	\$1.7	\$72.4
Present Value of Capital Outlays	\$1,364.4	\$84.9	\$37.3	\$15,373.4
Notes: ^a Discounted to present value with 3% real discount rate. The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				

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3 **Table 8-36. Present Value of O&M Outlays by Plan Implementation Phase and Element**

BDCP Plan Implementation Elements	Average Annual Expenditure by Plan Implementation Period (Millions) ^a			50-Year Permit Term Total Expenditure (Millions) ^a
	Near Term (Yrs 1–10)	Early Long-Term (Yrs 11–15)	Late Long-Term (Yrs 16–50)	
Water conveyance facilities (CM1)	\$0.0	\$17.1	\$14.6	\$595.2
Natural communities restoration and protection (CM2-CM11)	\$1.0	\$2.0	\$2.2	\$96.3
Other stressors (CM12-CM22)	\$25.9	\$26.5	\$14.0	\$882.0
Local government revenue replacement	\$1.4	\$2.1	\$2.1	\$96.2
Monitoring and research measures	\$14.6	\$13.9	\$7.2	\$466.0
Plan administration	\$5.7	\$5.2	\$2.7	\$177.0
Present Value of Operating Outlays	\$48.5	\$66.7	\$42.7	\$2,312.8
Notes: ^a Discounted to present value with 3% real discount rate. The 50-year total expenditures are more precise than the annual averages and may not sum directly from the annual averages due to rounding error.				

4

8.3 Funding Sources

8.3.1 Scope and Purpose of Funding Sources

This section identifies the potential sources that may be available to support the funding of the implementation actions identified in the previous sections. Consistent with the goals of the NCCPA and ESA, the BDCP has been designed to mitigate for the effects of the activities proposed in this Plan, provide for the conservation and management of threatened and endangered species in the Plan Area, help prevent species from becoming threatened or endangered, and improve ecosystem health. To achieve these important goals, the Plan will be funded by the Authorized Entities, which will include funding from public sources, through state and federal agencies, and other public funding sources. Funding will be provided by the participating state and federal water contractors for construction and operation of the new water facilities, as well as for mitigation necessary to address impacts to terrestrial and aquatic impacts associated with construction and operation. Funding from a variety of state and federal sources will be available for the actions in the conservation strategy. Initial state funding will largely come from a new water bond currently on the 2014 statewide ballot. Certain federal funding is expected to come from the same authorities that have been used in the past to support Delta restoration efforts. However, it is anticipated that additional federal legislation will be required to authorize the continued use of certain federal funds and to extend or broaden fund availability. Such legislation could also provide for new federal funding sources.

Every effort has been made to identify potential funding sources and make reasonable assumptions about the applicability of those funding sources to the BDCP so that all expected costs have been addressed. For instance, many of the state and federal funding sources have specific authorities that dictate the programs, projects, and in some cases geographic locations in which funds are allocated. Every effort has been made to assess these authorities and their applicability to the BDCP. Additionally, some funding sources have cost-sharing requirements; this chapter assumes that matching funds will be available. Cost-sharing requirements have been taken into account in the development of potential funding estimations. As referenced above, additional funding sources that have not been identified in this section may become available during the 50-year life of the BDCP.

It is important to note that this chapter is not a financing plan for the state or federal water contractors or any other party. Separate financing plans, funding agreements, legislative authority, and other documents will be needed to enable the use of certain funding sources. This chapter provides an overview of potential funding sources to support the implementation of the BDCP as well as the level of past financial support at the state and federal level for similar Delta activities.

8.3.2 Summary of Funding Sources

Table 8-37 provides a summary of all potential funding sources for the BDCP by entity, source, and Plan component. Each of these funding sources is described below, along with assumptions regarding applicability to the conservation measures (Table 8-38,

Table 8-39, and Table 8-40). Some funding sources are highly specific in the types of projects or activities that they fund, while others are more broadly defined. These limitations are important determinants of overall funding adequacy. Furthermore, some funding sources have a relatively short expected lifespan, while others may provide funding through the 50-year permit term.

1 Table 8-37. Summary of Estimated Funding by Entity, Sources, and Plan Component^a

Potential Funding Source ^b	Estimated Funding by Plan Component (in millions \$) ^c						Total	%
	Program Administration	Monitoring, Research, Adaptive Management, and Remedial Measures	Water Facilities and Operation (CM1)	Natural Community Protection and Management (CM3, CM11) ^d	Natural Community Restoration (CM2, CM4–CM10, CM12, CM22)	Other Stressors Conservation (CM13–CM21)		
Participating State and Federal Water Contractors	\$31	\$113	\$16,027	\$266	\$269	\$224	\$16,930	68.4%
State Funding Sources								
New Water Bond (2014)	–	–	–	\$184	\$900	\$430	\$1,514	6.1%
Second Water Bond	–	–	–	\$205	\$1,200	\$840	\$2,245	9.1%
Proposition 1E	–	–	–	–	\$100	–	\$100	0.4%
Proposition 84	–	–	–	–	\$42	\$21	\$63	0.3%
Wildlife Conservation Board	–	–	–	\$10	\$40	–	\$50	0.2%
Interagency Ecological Program (state funding)	–	\$55	–	–	–	–	\$55	0.2%
Delta Stewardship Council	–	\$90	–	–	–	–	\$90	0.4%
Ecosystem Restoration Program ^e	–	–	–	–	–	–	–	0.0%
Environmental Enhancement Fund ^e	–	–	–	–	–	–	–	0.0%
Fisheries Restoration Grant Program ^f	–	–	–	–	–	–	–	0.0%
Subtotal State Funding	–	\$145	–	\$399	\$2,282	\$1,291	\$4,117	16.6%
Federal Funding Sources								
<i>Existing and New Federal Authorizations</i>								
Central Valley Project Improvement Act Restoration Fund (Reclamation)	–	–	–	\$50	–	\$50	\$100	0.4%
CA Bay-Delta Restoration Appropriations (Reclamation) ^f	\$100	\$640	–	–	\$602	\$1,027	\$2,369	9.6%
CA Bay-Delta Restoration Appropriations (USFWS) ^f	\$60	\$10	–	\$96	\$96	–	\$261	1.1%
CA Bay-Delta Restoration Fund (EPA) ^f	–	–	–	–	\$238	–	\$238	1.0%
CA Bay-Delta Restoration Appropriations (USGS) ^f	–	\$175	–	–	–	–	\$175	0.7%
CA Bay-Delta Restoration Appropriations (NRCS) ^f	–	–	–	–	\$102	–	\$102	0.4%
CA Bay-Delta Restoration Appropriations (NMFS) ^f	–	\$15	–	–	–	–	\$15	0.1%
Regional Ecosystem Conservation (NMFS)	–	–	–	–	\$5	\$5	\$10	0.0%
Estuary Restoration Act (NMFS)	–	–	–	–	\$3	\$2	\$5	0.0%

Potential Funding Source ^b	Estimated Funding by Plan Component (in millions \$) ^c						Total	%
	Program Administration	Monitoring, Research, Adaptive Management, and Remedial Measures	Water Facilities and Operation (CM1)	Natural Community Protection and Management (CM3, CM11) ^d	Natural Community Restoration (CM2, CM4–CM10, CM12, CM22)	Other Stressors Conservation (CM13–CM21)		
Existing Federal Grants								
Wetlands Reserve Program (NRCS)	–	–	–	\$125	–	–	\$125	0.5%
Cooperative Endangered Species Conservation Fund(USFWS)	–	–	–	\$50	–	–	\$50	0.2%
Environmental Quality Incentives Program (NRCS)	–	–	–	\$50	–	–	\$50	0.2%
Land and Water Conservation Fund	–	–	–	\$25	–	–	\$25	0.1%
National Coastal Wetlands conservation grants (USFWS)	–	–	–	–	\$5	–	\$5	0.0%
Restoration Partnership Grants (NMFS)	–	–	–	–	\$7	\$3	\$10	0.0%
San Francisco Bay Area Water Quality Improvement Fund (EPA)	–	–	–	–	\$5	–	\$5	0.0%
Subtotal Federal Funding	\$160	\$840	–	\$396	\$1,062	\$1,087	\$3,545	14.3%
Other Funding Sources								
Interest income	\$145	–	–	–	–	\$20	\$165	0.7%
Summary								
Total Funding	\$336	\$1,098	\$16,027	\$1,061	\$3,613	\$2,623	\$24,758	100.0%
Total Costs ^g	\$336	\$1,097	\$16,027	\$1,061	\$3,610	\$2,623	\$24,754	–
Difference (funding minus cost)	\$0	\$1	\$0	\$0	\$3	\$0	\$4	0.0%
Notes:								
^a In most cases, funding amounts are estimates only based on funding history, overlap with BDCP goals, and assessment of competitiveness of BDCP projects. Where a range is provided in the text, the midpoint of the range is used for this table unless otherwise described. Funding estimates from state and federal agencies do not represent commitments and are subject to grant awards, annual appropriations from Congress, and passage of water bonds by the voters of California. Totals may not sum directly from components due to rounding error.								
^b See text for explanation of funding source, including legal citations for federal and state funding.								
^c See text for rationale of funding estimate. Where funding sources apply to multiple Plan components, funding is allocated proportional to cost across applicable components, unless there is a basis to allocate funds differently. Allocations are estimates of potential funding and do not imply dedicated or guaranteed funding.								
^d Includes property tax revenue replacement for land acquired in fee title from private parties.								
^e Funding may be provided from this source but it is not assumed ^{due to the uncertainty} in funding to support the BDCP.								
^f See Table 8-55, <i>Potential Funding from California Bay-Delta Restoration Appropriations, by Federal Agency and Plan Component</i> , for details on funding.								
^g Excludes EIR/EIS mitigation costs.								

Table 8-38. Potential Funding Source by Conservation Measure—Water Facilities and Operation, Yolo Bypass Enhancement, and Avoidance Measures

Potential Funding Sources ^a	CM1: Water Facilities and Operation	CM2: Yolo Bypass Fisheries Enhancement	CM22: Avoidance and Minimization Measures ^b
Authorized Entity Funding			
DWR—revenue bonds	X		X
State water contractors	X		X
Central Valley Project Improvement Act Restoration Fund (Reclamation)	X ^c		X
California Bay-Delta Restoration appropriations—water and related resources		X	
Federal water contractors	X		X
Other State Funding Sources			
Ecosystem Restoration Program (CDFW)			X
New Water Bonds			X
Proposition 1E			X
Proposition 84	X		X
Other Federal Funding Sources			
California Bay-Delta Restoration appropriations (all federal agencies ^d)		X	X
Estuary Restoration Act (NMFS)		X	
Restoration partnership grants (NMFS)		X	
Investigations, energy, and water development appropriations (USACE)	X	X	X
Other Funding Sources	X		
Interest income	X	X	X
Notes:	X		
^a See text for rationale of funding availability. This table notes potential funding sources and does not imply dedicated or guaranteed funding. ^b Avoidance and minimization measures are applied to many conservation measures (including restoration) to avoid and minimize effects on the covered species. These measures would be incorporated into most of the projects conducted under other conservation measures, so would be funded by a wide range of sources. ^c Applicable for refuge water provided by Reclamation (not facility construction). ^d All federal agencies includes appropriations to Reclamation, USACE, NRCS, NMFS, USGS, USFWS, and EPA. DWR = California Department of Water Resources; CDFW = California Department of Fish and Wildlife; NMFS = National Marine Fisheries Service; USFWS = U.S. Fish and Wildlife Service; USACE = U.S. Army Corps of Engineers; Reclamation = Bureau of Reclamation; NRCS = Natural Resources Conservation Service; USGS = U.S. Geological Survey; EPA = U.S. Environmental Protection Agency			

1 **Table 8-39. Potential Funding Source by Conservation Measure—Habitat Protection, Restoration, and Management**

Potential Funding Sources ^a	CM3: Natural Communities Protection and Restoration	CM4: Tidal Natural Communities Restoration	CM5: Seasonally Inundated Floodplain Restoration	CM6: Channel Margin Enhancement	CM7: Riparian Natural Community Restoration	CM8: Grassland Natural Community Restoration	CM9: Vernal Pool and Alkali Seasonal Wetland Complex Restoration	CM10: Nontidal Marsh Restoration	CM11: Natural Communities Enhancement and Management	CM12: Methylmercury Management
Authorized Entity Funding										
DWR—biological opinions for long-term coordinated operations of SWP		X								X
State Funding Sources										
New Water Bonds	X	X	X	X	X	X	X	X	X	X
Proposition 1E		X	X	X	X	X	X	X		X
Proposition 84	X	X	X	X	X	X	X	X		X
Wildlife Conservation Board	X	X	X	X	X					
Federal Funding Sources										
Central Valley Project Improvement Act Restoration Fund (Reclamation)	X	X	X	X	X	X	X	X		X
California Bay-Delta Restoration appropriations—water and related resources				X	X	X		X		X
California Bay-Delta Restoration appropriations (all federal agencies)	X	X	X	X	X					X
Regional Ecosystem Conservation (NMFS)		X	X	X	X					X
Estuary Restoration Act (NMFS)		X	X	X	X					X
Wetlands Reserve Program (NRCS)	X	X	X	X	X	X	X	X	X	
Cooperative Endangered Species Conservation Fund (USFWS)	X	X ^c	X ^c		^c	X ^c	X ^c	X ^c		
Environmental Quality Incentives Program (NRCS)	X	X	X	X	X	X	X	X	X	
Land and Water Conservation Fund	X									
National Coastal Wetlands Conservation Grants (USFWS)	X	X	X	X	X			X	X	X
Restoration Partnership Grants (NMFS)		X	X	X	X					X
San Francisco Bay Area Water Quality Improvement Fund (EPA)		X	X	X	X			X		
Other Funding Sources										
Interest income	X	X	X ^b	X	X	X	X	X	X	X
Endowment (post permit)										
Notes: ^a See text for rationale of funding availability. This table notes potential funding sources and does not imply dedicated or guaranteed funding. ^b All federal agencies includes appropriations to Reclamation, USACE, NRCS, NMFS, USGS, USFWS, and EPA ^c Applicable to land acquisition that might be needed to support restoration. DWR = California Department of Water Resources; CDFW = California Department of Fish and Wildlife; USFWS = U.S. Fish and Wildlife Service; NMFS = National Marine Fisheries Service; NRCS = Natural Resources Conservation Service; USGS = U.S. Geological Survey; EPA = U.S. Environmental Protection Agency										

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1 Table 8-40. Potential Funding Source by Conservation Measure—Other Aquatic Stressors

Potential Funding Sources ^a	CM13: Invasive Aquatic Vegetation Control	CM14: Stockton Deep Water Ship Channel Dissolved Oxygen Levels ^c	CM15: Localized Reduction of Predatory Fishes	CM16: Nonphysical Fish Barriers	CM17: Illegal Harvest Reduction	CM18: Conservation Hatcheries	CM19: Urban Stormwater Treatment	CM20: Recreational Users Invasive Species Program	CM21: Nonproject Diversions
Authorized Entity Funding									
Central Valley Project Improvement Act Restoration Fund (Reclamation)	X		X					X	X
CA Bay-Delta Restoration appropriations—water and related resources	X		X		X				
State Funding Sources									
New Water Bonds	X	X	X	X	X	X	X	X	X
Proposition 1E							X		
Proposition 84	X	X					X		
Federal Funding Sources									
CA Bay-Delta Restoration appropriations (all federal agencies)	X	X	X	X	X	X	X	X	X
Regional Ecosystem Conservation (NMFS)	X		X	X					X
Estuary Restoration Act (NMFS)	X		X	X					X
Restoration Partnership Grants (NMFS)			X	X					
Other Funding Sources									
Interest income	X	X	X	X	X	X	X	X	X
<p>Notes:</p> <p>^a See text for rationale of funding availability. This table identifies potential funding sources and does not imply dedicated or guaranteed funding.</p> <p>^b All federal agencies includes appropriations to Reclamation, USACE, NRCS, NMFS, USGS, USFWS, and EPA.</p> <p>^c Funding for the operation and maintenance of the Stockton Deep Water Ship Channel Aeration Facility is being provided through 2013 under a 3-year joint agreement with the Port of Stockton, San Joaquin River Group Authority, the San Luis and Delta Mendota Water Authority, the San Joaquin Valley Drainage Authority, and DWR. This funding agreement has two option years (2014 and 2015) that may be exercised. Because of the limited term of this funding source, it is not included as part of the long-term funding strategy.</p> <p>CDFW = California Department of Fish and Wildlife; NMFS = National Marine Fisheries Service; USACE = U.S. Army Corps of Engineers; NRCS = Natural Resources Conservation Service; USGS = U.S. Geological Survey; USFWS = U.S. Fish and Wildlife Service; EPA = U.S. Environmental Protection Agency</p>									

Funding sources are described in the order of their proportions: participating state and federal water contractors are described first, followed by all state funding, federal funding, and other funding sources. Funding sources are then followed by a list of contingencies in the event that costs or funding sources are substantially different from those predicted in this chapter.

8.3.3 State Water Project

Following approval of the BDCP, the Authorized Entities will begin implementation of the alternative conveyance measure in accordance with the BDCP. DWR's participation will rely on its authority to construct state water facilities or projects is derived from the Central Valley Project Act of 1933 (CVPA) (Water Code 11100 *et seq.*), the Burns Porter Act (California Water Resources Development Bond Act) (Water Code 12930–12944), the Davis-Dolwig Act (Water Code 11900–11925), and other special acts of the State Legislature.

Although the federal government has built certain facilities described in the CVPA, that act authorizes DWR to build facilities described in the CVPA and to issue bonds. The CVPA describes specific facilities that have been and may be built by DWR (including, particularly, Water Code 11260 and 11270) and allows DWR to administratively add other units to the SWP (Water Code 11290) and develop power facilities (Water Code 11295).

As noted above, funding of *CM1 Water Facilities and Operation* will come from the state and federal water contractors. For the purposes of this chapter, it is assumed that the water facilities of CM1 will be owned by the state, and that the costs of constructing and operating the facility will be shared by the participating state and federal water contractors.⁵¹ The actual funding share that is provided by the state versus federal water contractors for CM1 will be determined near the time that permits are issued for the BDCP.

Since the early 1960s, when DWR and state water contractors entered into their long-term water supply contracts, SWP planning and capital costs, operation, maintenance, and interest have been paid for by 29 (originally 30) participating public water agencies pursuant to the terms of the water supply contracts. The Burns-Porter Act, approved in 1960, expressly authorized the State of California to enter into contracts for the sale, delivery, or use of water made available by the SWP.

The SWP water supply contracts were executed at different times in the 1960s and the termination dates range from 2035 to 2042, with most contracts terminating around 2035. The contracts may be amended and extended by agreement or other means. The contracts also will remain in effect until any bonds issued to finance construction costs of the SWP have been repaid (California Department of Water Resources 2011).

Under these contracts, state water contractors receive annual allocations of water and provide funding for the principal and interest on bonds that initially funded the SWP's construction and that continue to be issued to provide funding for additional facilities (California Department of Water

⁵¹ Costs for certain jointly developed facilities are shared by both the SWP and CVP. In 1961, the federal government entered into an agreement with the state to construct and operate San Luis Unit joint-use facilities, including San Luis Reservoir. These facilities are owned by the federal government, but costs are shared approximately 55% by the state and 45% by the federal government (California Department of Water Resources 2011). Other existing agreements have been developed over the years to provide for sharing of costs and obligations between the SWP and CVP, including the 1986 Coordinated Operation Agreement.

Resources 2012). The annual allocations establish a maximum level of water deliverable under the contract and actual water delivery varies depending upon many factors, including hydrologic conditions and environmental restrictions. Payments made by state water contractors cover fixed costs (such as debt service on project financing that is not directly proportional to the quantity of water delivered) and variable costs (such as for power needed to operate the SWP).

Any new water facilities associated with the BDCP could be paid for through a similar mechanism: DWR-issued bonds to be repaid with revenues from the participating SWP water contractors. Individual water contractors may also issue their own revenue bonds or they may do so collectively through a joint powers authority (Section 8.3.5.1, *New Water Bonds*). Existing water contracts would need to be amended to include the new costs of the BDCP assigned to the state water contractors and the repayment schedule. See Section 8.3.4, *Participating State and Federal Water Contractors*, for a description of how the participating state and federal water contractors will fund their respective contributions to *CM1 Water Facilities and Operation*. These sources will also provide funding for other state water contractor obligations under the Plan.

The issuance of water system revenue bonds has been the primary mechanism used by DWR to obtain financing for construction of SWP facilities. From 1960 to October 2011, DWR had issued 36 series of water system revenue bonds totaling nearly \$7 billion (California Department of Water Resources 2011:ii). A revenue bond is a municipal bond secured by the revenue from a specific project (e.g., a power plant). Unlike state general obligation bonds, revenue bonds are secured by specified revenues rather than taxes and the amount of funding that can be raised is limited by project revenue.

Water system revenue bonds are secured by a pledge of revenues received by DWR from state water contractors. Pursuant to the state CVPA, DWR issues water system revenue bonds.⁵² (See General Bond Resolution of the State of California Department of Water Resources Resolution No. DWR-WS-1, July 1, 1986). Under the General Bond Resolution, *revenues* include the receipts to DWR under the water supply contracts resulting from the construction, acquisition, or operation of the water system projects; income from investments held in the revenue fund; and certain other moneys received by DWR under the water supply contracts deemed to be revenue by DWR and pledged toward the repayment of water system revenue bonds issued by DWR (California Department of Water Resources 2011:ii). Under the resolution, DWR has agreed to the following commitments.

- To charge amounts under the water supply contracts sufficient to provide funding for all water system project costs (e.g., costs of project facility construction).
- That revenues received by DWR in each year of water system operating expenses, after deduction of the costs of maintenance and operation (excluding depreciation but including appropriate amounts of operating and replacement reserves), must be at least equal to the sum of 1.25 times the debt service payable from revenues on all bonds outstanding in such year.

⁵² CVP water system revenue bonds are issued by DWR pursuant to the state CVPA to finance SWP facilities (Water Code sections 11700 –11784). The state CVPA was originally enacted in 1933 to provide revenue bond funding for the proposed CVP that the state intended to build. But due to state financing difficulties during the 1930s, the federal government built, funded, and operates certain of the facilities that are known as the federal CVP. However, since the 1960s, the state CVPA has provided and continues to provide the basis for issuing revenue bonds for the SWP, hence the name of the bonds. Despite the name, the bonds are not used for the federal CVP operated by Reclamation.

1 This second requirement also applies as a condition to the issuance of additional bonds (California
2 Department of Water Resources 2011:ii).

3 DWR may issue additional water system revenue bonds in addition to outstanding bonds to finance
4 the costs allocated to any water system project, including the cost of planning, construction, or
5 acquisition, or to refund bonds if, among other things, DWR certifies that the following actions will
6 occur.

- 7 • After the issuance of such bonds, estimated revenues in each year will not be less than the sum
8 of:
 - 9 ○ 1.25 times debt service to be paid from revenues, plus
 - 10 ○ estimated water system operating expenses.
- 11 • The debt service reserve account is to be funded at 50% of the maximum annual debt service.
- 12 • The state treasurer must have received evidence that the issuance of the additional bonds will
13 not result in the lowering of any rating then assigned to any then outstanding bonds by any
14 nationally recognized rating agency (California Department of Water Resources 2011: 6).

15 In addition to water system revenue bonds, DWR has also funded SWP facilities by issuing
16 \$1.5 billion of revenue bonds secured by the revenues of DWR from SWP power-generating facilities
17 (California Department of Water Resources 2011: i).

18 Revenue bonds are not the only type of bonds that have been used to fund the SWP. The Burns-
19 Porter Act authorized the sale of \$1.75 billion in state general obligation bonds to help finance the
20 original construction of the SWP (\$12.9 billion to \$18.2 billion in 2011 dollars⁵³). A general
21 obligation bond differs from a revenue bond. A state general obligation bond is a state bond backed
22 by the credit and “taxing power” of the state, rather than a pledge of revenue from a specific project,
23 as is the case with a revenue bond. The amount of funding that can be raised through the issuance of
24 state general obligation bonds is limited by voter-approved bond acts. As of September 1, 2011,
25 nearly \$168 million in state general obligation bonds remain available. DWR’s activities under the
26 BDCP would qualify for these funds, as would other competing state programs.

27 DWR provides interim funding prior to issuance of revenue bonds by issuing commercial paper
28 notes. DWR has authorized the issuance of its water revenue commercial paper notes, in an amount
29 not to exceed \$139.7 million outstanding at any one time. Proceeds from the sale of these notes are
30 used to finance water system projects prior to permanent financing from the sale of bonds. As of
31 February 16, 2012, approximately \$100 million in water revenue commercial paper notes is still
32 available for issuance by DWR (California Department of Water Resources 2011:ii).

33 The Davis-Dolwig Act (Water Code 11900–11925) established the state policy that the costs of
34 preservation (considered similar to mitigation) of fish and wildlife are to be paid by water supply

⁵³ The low end of the range is calculated using the change in the consumer price index from 1960 to 2011. The high end of the range uses a wage index of production worker compensation. Because the cost of the SWP was a combination of materials (which tend to inflate according to the consumer price index) and labor, the actual 2011 cost is likely somewhere in between this range.

contractors,⁵⁴ and recreation and enhancement of fish and wildlife are to be paid by appropriations from the general fund.

8.3.4 Participating State and Federal Water Contractors

8.3.4.1 SWP and CVP Funding Responsibilities

State and federal water contractors that are participating in the development of the BDCP have committed to fund construction, operation, and construction-related mitigation costs for implementation of *CM1 Water Facilities and Operation*, the new water conveyance facilities. Specifically, funding from the SWP water contractors will be provided through agreements with DWR, as described in Section 8.3.3, *State Water Project*. It is anticipated that the CVP water contractors will also have necessary funding agreements. Specifically, the water contractors will fund the following activities under CM1.

- Construction, including engineering and design.
- Avoidance and minimization measures associated with facility construction (a portion of *CM22 Avoidance and Minimization Measures*).
- Operating costs of the new facility, including monitoring.
- All mitigation costs associated with the permanent and temporary impacts of construction and operations of the facility, as described below.

As described in Section 8.2.3, *Conservation Measure Costs*, undiscounted construction costs of CM1 are estimated at \$14.5 billion in 2012 dollars and undiscounted operating costs are estimated at \$1.46 billion, bringing the total to \$16.0 billion (undiscounted). The discounted construction costs of CM1 (i.e., present value costs accounting for both inflation and the time value of money) are \$12.714 billion in 2012 dollars, with operating costs of \$730 million, for a total of \$13.4 billion (discounted).

Proposed funding provided by the state and federal water contractors is summarized in Table 8-41.

⁵⁴ As discussed above, under the likely BDCP funding framework, water contractor payment will occur in response to DWR issuance of water system revenue bonds that are secured by a pledge of revenues received by DWR from water supply contractors.

1 **Table 8-41. BDCP Funding Provided by Participating State and Federal Water Contractors (millions, 2012 undiscounted \$)**

Cost Item	Total Capital Cost	Total Operational Cost (over 50-year Permit Term)	Total Cost	% Paid by Contractors	Amount Paid by Contractors	Rationale
CM1 Water Facilities and Operations	\$14,570.9	\$1,456.0	\$16,026.9	100.0%	\$16,026.9	Participating water contractors have committed to full funding of CM1.
CM3 Natural Communities Protection and Restoration	\$460.1	\$0.0	\$460.1	20.2%	\$92.8	Assumes % share of reserve system proportional to impact of water facility construction (CM1) and impact of mitigation/conservation ^a share of tidal wetland restoration (CM4).
CM4 Tidal Natural Communities Restoration	\$1,909.6	\$0.0	\$1,909.6	12.6%	\$240.6	Long-term average annual exports from the Delta are assumed the same as current exports because they are close to the midpoint when evaluating the range of exports that could occur under the decision tree. The 8,000 acres of tidal wetland restoration required by the USFWS OCAP BiOp (for today's exports) is also considered the mitigation/conservation share for BDCP water operations under dual conveyance. An additional 160 acres account for direct loss of tidal habitat from construction. The mitigation/conservation share is calculated as the proportion relative to all restoration under CM4 (8,160 acres / 65,000 acres = 12.6%).
CM6 Channel Margin Enhancement	\$120.2	\$0.0	\$120.2	13.0%	\$15.6	Mitigation/conservation to offset channel margin removed by north Delta intakes (2.6 miles) at 1:1. Ratio based on low-value habitat lost and high-quality habitat gained through restoration.
CM7 Riparian Natural Community Restoration	\$47.6	\$0.0	\$47.6	2.7%	\$1.3	Proportion of restoration based on mitigation/conservation for CM1 construction and mitigation/conservation share of CM4 construction, based on typical ratio of 1:1 (additive to preservation in CM3). Proportion = 133 acres / 5,000 acres total restoration.
CM9 Vernal Pool and Alkali Seasonal Wetland Complex Restoration	\$1.7	\$0.0	\$1.7	9.0%	\$0.2	Proportion of restoration based on mitigation/conservation for indirect impacts of CM1 construction, based on typical ratio of 2:1 (additive to preservation in CM3). Proportion = 6 acres / 67 acres total restoration.

Cost Item	Total Capital Cost	Total Operational Cost (over 50-year Permit Term)	Total Cost	% Paid by Contractors	Amount Paid by Contractors	Rationale
CM10 Nontidal Marsh Restoration	\$52.7	\$0.0	\$52.7	4.0%	\$2.1	Proportion of restoration based on mitigation/conservation for CM1 construction and mitigation share of CM4 construction, based on mitigation ratio of 1:1 (additive to preservation in CM3). Proportion = 107 acres / 2,700 acres total restoration.
CM11 Natural Communities Enhancement and Management	\$138.1	\$236.6	\$374.7	20.2%	\$75.6	Same as proportional share of CM3.
CM15 Localized Reduction of Predatory Fishes	\$2.8	\$102.2	\$105.0	40.7%	\$42.8	Focused predator reduction assumed to occur on a regular basis (daily or weekly between October and May) at 13 locations in the Delta. Mitigation share assumes cost of actions at six of these locations (46%), which are directly related to impacts of new north Delta facilities and existing SWP and CVP operations ^b . Includes 20% contingency.
CM16 Nonphysical Fish Barriers	\$763.0	\$508.7	\$1,271.7	14.3%	\$181.7	Assumed cost to install and operate the first of seven barriers.
CM22 Avoidance and Minimization Measures	\$0.0	\$36.3	\$36.3	24.4%	\$8.9	Most costs of avoidance and minimization measures are assumed as part of compliance monitoring. Contractor share of remaining costs account for species surveys, preconstruction monitoring, planning surveys, and construction monitoring associated with CM1 construction, and restoration mitigation.
Program administration	\$0.0	\$336.4	\$336.4	9.4%	\$31.5	Proportion of program administration costs associated with mitigation/conservation.
Monitoring and research	\$0.0	\$912.8	\$912.8	8.3%	\$75.4	Proportion of monitoring costs associated with mitigation/conservation.
Property tax revenue replacement	\$0.0	\$226.0	\$226.0	43.3%	\$97.7	Mitigation share of each applicable conservation measure (CM1, CM3, CM4, CM5, CM8, CM9, and CM10); costs applied to the property tax revenue replacement cost of each conservation measure. These costs are highest per acre for CM1 because of higher average land values and a longer period of revenue replacement than for other restoration actions.

Cost Item	Total Capital Cost	Total Operational Cost (over 50-year Permit Term)	Total Cost	% Paid by Contractors	Amount Paid by Contractors	Rationale
Changed circumstances	\$184.0	\$0.0	\$184.0	20.2%	\$37.1	Related to ESA Section 10 assurances. Pays for remedial actions on conservation measures related to reserve system and restoration, but needed only if changed circumstances occur. Cost estimate based on reasonable probability that remedial actions would be needed. Contractor mitigation share tied to share of CM3 (and CM11). Funding could be provided gradually.
Total					\$16,930.2	
Other Costs^c						
EIR/EIS Mitigation ^d	\$0.0	\$141.8	\$141.8	65.2%	\$92.5	Accounts for EIR/EIS mitigation measures and their estimated proportion associated with CM1 construction: Replacing additional lost Important Farmland (AG-1; 8%), air quality (AQ-2, 3, 4, 12; 99%), cultural resources (CUL-1 to 7; 29%), bat surveys (BIO-385; 75%).
<p>Notes:</p> <p>^a The mitigation/conservation share includes mitigation for the direct and indirect impacts of water facility construction and operation, as well as a share of the conservation and management of the covered species.</p> <p>^b Funding for predator reduction for mitigation purposes is assumed to be needed at each of the three north Delta intakes, at Clifton Court, at release site for fish salvaged from Clifton Court, and at the South Delta facilities. Mitigation share excludes the cost of structure or vessel removal.</p> <p>^c Contributions by state and federal water contractors to the Supplemental Adaptive Management Fund (Section 8.3.4.1.3, <i>Supplemental Adaptive Management Fund</i>) are not included in this table.</p> <p>^d The costs of the majority of EIR/EIS mitigation are accounted for in other costs of implementing the BDCP. The EIR/EIS mitigation costs identified in this table are in addition to the costs of the conservation measures. See Appendix 8.A, <i>Implementation Costs Supporting Material</i>, Section 8.A.6, <i>EIR/EIS Mitigation Measures</i> for details. USFWS = U.S. Fish and Wildlife Service; OCAP = operational criteria and plan; BiOp = biological opinion; SWP = State Water Project; CVP = Central Valley Project; ESA = Endangered Species Act</p>						

8.3.4.1.1 Construction Costs

Table 8-42 shows the estimated annual capital costs of CM1. Key assumptions used in these calculations are a 2% inflation rate and a construction start date of 2015.

Table 8-42. Capital Costs—Cost of Conveyance Facilities Funded by State and Federal Water Contractors (\$ millions)

	Planning/Permitting/Engineering Phase					Construction Phase (In-Service December 2025)					Total Cost
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	
Remaining cost	14,571	14,862	14,832	14,800	14,768	13,003	10,763	8,478	6,147	3,770	–
+ inflation (2.00% annually)	291	297	297	296	295	260	215	170	123	75	2,320
– Scheduled construction expenditure	–	328	328	328	2,061	2,500	2,500	2,500	2,500	2,530	15,575
= Remaining project costs	14,862	14,832	14,800	14,768	13,003	10,763	8,478	6,147	3,770	1,316	–

8.3.4.1.2 Mitigation and Conservation Costs for Construction and Operation

Mitigation required to offset the direct and indirect effects of construction activities and operation of the water facility will be funded by state and federal water contractors. Because the NCCPA requires that the Plan provide for the conservation and management of the covered species, the state and federal water contractors will also share in those costs. For the purposes of the cost estimate, the costs considered as mitigation/conservation for the impacts of facility construction are listed in Table 8-41 along with the rationale for each mitigation calculation. These costs add \$903 million (undiscounted) to CM1 costs. Most of the mitigation/conservation is associated with the direct footprint impacts of the construction of the water conveyance facility (*CM1 Water Facilities and Operation*). However, some additional mitigation/conservation is associated with water facility operation. (The majority of the mitigation for operation of the water conveyance facility has been built into the operations criteria themselves; see CM1 discussion in Chapter 3, *Conservation Strategy* for details). Residual mitigation for water facility operations is addressed in Table 8-41 for those impacts that cannot be addressed by operations directly (e.g., predator reduction at SWP and CVP facilities).

Mitigation/conservation costs for the state and federal water contractors associated with ESA and NCCPA compliance have been estimated at \$903.3 million.⁵⁵ This overlaps with some funding committed through the coordinated long-term operation of the CVP and SWP biological opinions (BiOps). For example, the long-term operation BiOps currently require ongoing monitoring and studies for predator control, nonphysical fish barriers, and 8,000 acres of tidal and subtidal natural community restoration. The actual conservation credit for the BDCP for mitigation actions accomplished under the BiOps (and any overlap in funding) will be determined during implementation.

⁵⁵ This excludes any additional costs associated with mitigation identified in the EIR/EIS, or any other mitigation costs associated with other laws or regulations.

8.3.4.1.3 Supplemental Adaptive Management Fund

The BDCP provides for the creation of a Supplemental Adaptive Management Fund, as described in Chapter 3, Section 3.4.23, *Supplemental Adaptive Management Fund*. This fund, which will be at least \$450 million, will be used to support adaptive management changes to CM1, as well as to any other conservation measure, determined to be necessary during Plan implementation. Funding for the Supplemental Adaptive Management Fund will be jointly provided by the Authorized Entities, the State of California, and the United States. The components of the fund and the process by which it would be made available to support changes to conservation measures through the adaptive management process are described in Chapter 3, Section 3.4.23, *Resources to Support Adaptive Management*.

8.3.4.2 Financing through Bonds

The state and federal water contractors could issue either general obligation or revenue bonds⁵⁶ to finance the costs of *CM1 Water Facilities and Operation*. State and federal water contractors are more likely to issue revenue bonds to finance their contribution to the BDCP because they can issue them on their own rather than general obligation bonds that require voter approval. Additionally, revenue bonds may be a preferable financing mechanism because they do not count towards the authorized debt limit of the issuing entity. However, revenue bonds carry a higher interest rate than a general obligation bond because they are backed only by the assets provided by project revenues.

Revenue bonds for the BDCP may be issued by a variety of sources. DWR may issue bonds for the BDCP as it does to finance the construction of other SWP facilities, which would then be repaid by participating SWP contractors. Individual water contractors may also issue their own revenue bonds or they may do so collectively through a joint powers authority, such as the State and Federal Contractors Water Agency (SFCWA). SFCWA is a Joint Powers Authority that was formed in 2009 by state water contractors and member agencies of the San Luis & Delta-Mendota Water Authority. SFCWA may be used as a funding vehicle for the BDCP, issuing revenue bonds on behalf of its membership and backstopped by the participating members (water contractors).

If SFCWA issues revenue bonds, 70% of all SFCWA directors must approve of the project. In addition, the specific bonds must be approved by 70% of the directors who represent the contractors who are participating members of the project. Given the economic benefits to water contractors, described later in this section and in Section 8.3.4.4.1, *Willingness to Provide Funding*, it is anticipated that most SWP contractors and members of the San Luis & Delta-Mendota Water Authority would participate in the issuance of necessary revenue bonds.

8.3.4.2.1 Debt Financing

One scenario under consideration to finance the BDCP costs identified for the state and federal water contractors (Section 8.3.4.1, *SWP and CVP Funding Responsibilities*) is the issuance of a series of four revenue bonds, each with a term of 40 years. The costs of CM1 would be financed with tax-exempt, long-term debt. The four series are described below and in Table 8-43.

- **1st bond series:** fund first 2 years of construction.

⁵⁶ Only water contractors with property tax revenue are able to issue general obligation bonds. For example, Metropolitan Water District of Southern California issued a \$39.5 million general obligation bond in 2010. Revenue bonds are an available tool for all water contractors.

- **2nd and 3rd bond series:** fund year 3 and years 4 and 5 of construction, respectively.
- **4th bond series:** fund the balance of the construction expenditures.

Table 8-43. Potential Financing Plan with Series of Four Revenue Bonds

Component	1st Bond Series	2nd Bond Series	3rd Bond Series	4th Bond Series
Approximate delivered date	June 1, 2015	June 1, 2017	June 1, 2018	June 1, 2020
Last maturity	2055	2057	2058	2060
Face value	\$3,793,000,000	\$3,667,000,000	\$5,611,000,000	\$2,504,000,000
All-in true interest cost	6.135%	6.133%	6.132%	6.134%
Cost of issuance	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
Underwriter's discount	\$6/bond	\$6/bond	\$6/bond	\$6/bond
Capitalized interest	2 Years	1 Year	2 Years	2 Years
Source: Southern California Water Committee 2012				

As shown in Table 8-43, each bond issue would have a period of capitalized interest to mitigate the debt service during the 9-year construction period. The financing interest rates are assumed at a 95% confidence interval of interest rates over the past decade rather than the historically low interest rates of 2012. The annual debt service would average approximately \$1.1 billion from 2021 through 2055.

The data in Table 8-43 assume that the bonds will be issued by SFCWA, DWR, or a collection of state and federal water contractors. The financing plan is considered viable because it funds a project that provides value statewide and all proposed participating water contractors have sufficient financial capacity to fund their portions. The SWP has strong ratings, in part, due to the strength of the participating contractors. Several of the state water contractors have bond ratings greater than that of the State and so interest savings could be realized through direct bond issuance by the contractors (Houston and Thomas pers. comm.).

8.3.4.3 History of Financing Large Water Infrastructure Projects in California

The history of the water contractors funding large water infrastructure projects of the scale of the BDCP provides evidence that funding the BDCP is feasible. This history also illustrates that the funding mechanisms available have been used successfully for similar projects. Projects described include the SWP itself, as well as many capital projects funded and built by individual water agencies. Costs for these projects are summarized in Table 8-44. Estimated BDCP capital costs for the water facility are included for comparison. *Per capita* costs for BDCP water conveyance facilities compare favorably with those of other large-scale water projects in California.

1 **Table 8-44. Costs of Large-Scale Water Projects in California, Sorted by *Per Capita* Costs**

Project	Agency	Date Completed	Capital Cost (millions) ^a	Population within Service Area (millions)	Project Cost <i>per Capita</i>
Diamond Valley Reservoir/Inland Feeder	Metropolitan Water District	2000	\$2,087	18	\$116
State Water Project	State of California	1965	\$1,750	13	\$134
Freeport Project	East Bay Municipal Utility District	2010	\$517	1.3	\$398
Emergency Storage Project	San Diego County Water Agency	Est. 2014	\$1,500	2.8	\$536
Capital Improvement Program	Santa Clara Valley Water District	Ongoing	\$1,000	1.8	\$556
BDCP Water Conveyance Facilities (CM1)	CA Department of Water Resources	Est. 2025	\$14,509	25	\$580
Los Vaqueros Reservoir Expansion Project	Contra Costa Water District	2012	\$570	0.55	\$1,036
Coastal Branch Aqueduct	Department of Water Resources and Central Coast Water Authority	1997	\$575	0.43	\$1,337
Hetch Hetchy Aqueduct Improvement Project	San Francisco Public Utilities Commission	Ongoing	\$4,600	2.5	\$1,840
Notes:					
^a In dollars at the time project completed or today's dollars if project not yet completed. BDCP costs are undiscounted 2012 dollars.					
Sources: Maher pers. comm.; Southern California Water Committee 2012; Bureau of Reclamation 2010					

2
3 To date, the most expensive water infrastructure project undertaken in California is the SWP. In
4 1960, when the SWP began, the assessed value of land in the service area was \$6 billion and the
5 population served was 13 million. The water systems revenue General Obligation bond was valued
6 at \$1.75 billion.⁵⁷ Of this amount, the Metropolitan Water District of Southern California's share was
7 approximately half, at \$875 million; this share was roughly 15% of the assessed value of all land and
8 buildings in the district service area at the time.

9 About 78% of the costs of constructing the SWP have been financed by the sale of general obligation
10 and revenue bonds. These bonds are being repaid in full by SWP beneficiaries, rather than the
11 general taxpayer. The SWP beneficiaries are responsible for all water supply-related costs, including
12 those pertaining to the operations and maintenance of SWP facilities. Each of the 29 contractors
13 pays the same per-acre-foot rate for the costs related to the construction and operation of facilities
14 used to store and convey the SWP water supply. Supplementary to that amount, each beneficiary
15 provides funding for a transportation charge to cover the cost of facilities needed to convey water to
16 its service area. Contractors more distant from the Delta provide more funding than contractors
17 close to the Delta because of the capital cost of the California Aqueduct and increased pumping and

⁵⁷ In 2011 dollars, this bond would be worth \$12.9 billion to \$18.2 billion, depending on the method of calculation.

O&M costs. State water contractors provide funding for principal and interest for state funds allocated towards construction of new facilities under this program.

8.3.4.4 Funding Assurances from Participating State and Federal Water Contractors

The most credible assurances of funding from the participating state and federal water contractors result from an economic benefits analysis, described below, and two primary conclusions of the analysis.

- The costs of CM1 and associated mitigation and conservation are affordable by the ratepayers of the urban and agricultural agencies receiving federal and state water supplies delivered through the Delta.
- The benefits of the preferred project to these ratepayers will exceed the total costs of CM1 and associated mitigation and conservation. Thus, the relevant water contractors have an underlying economic incentive to implement CM1.

The state and federal water contractors (or, more precisely, their ratepayers) are responsible for a total present value cost of \$13.5 billion⁵⁸ for BDCP under the most realistic BDCP cost allocation scenarios. This comes to an annual financing cost to the contractors of around \$1 billion for BDCP, and it is reasonable to assume they have the ability to pay these costs. These costs are small in relation to the personal income that is generated each year in the regions receiving SWP and CVP water supplies delivered through the Delta. Table 8-45 shows total annual personal income of approximately \$1 trillion in the relevant counties. Thus, on a gross level, the annual costs of financing CM1 under the assumptions listed above are only about 1/1,000 of personal income, which is far below the cost thresholds typically used for evaluating ability to pay.

⁵⁸ These costs only include costs assigned to the state and federal contractors and are the incremental cost of BDCP as compared to the cost to contractors under the scenario without BDCP. These costs are discounted to year 2012 at a 3% real discount rate.

Table 8-45. Personal Income in California Counties Receiving Water from the State and Federal Water Projects

County	Personal Income (thousands of dollars)
Alameda	72,757,457
Contra Costa	58,382,965
Fresno	28,839,098
Kern	24,955,092
Kings	4,070,793
Los Angeles	410,674,615
Merced	7,016,934
Orange	39,787,994
Riverside	64,376,498
San Benito	1,968,266
San Bernardino	60,463,094
San Diego	141,678,210
San Joaquin	21,133,128
Santa Barbara	18,629,574
Santa Clara	103,636,350
Stanislaus	16,079,357
Ventura	36,858,409
Total	1,111,307,834
Source: California Department of Finance 2008	

Not only is BDCP affordable, but the benefits to the ratepayers will exceed the total cost to contractors. A study by The Brattle Group (2013) (Appendix 9.A, *Economic Benefits of the BDCP and Take Alternatives*) considers three broad categories of benefits to the state and federal water contractors that can be quantified economically: water supply, water quality, and seismic risk reduction. Water supply benefits result from the difference in urban and agricultural water supplies under the BDCP as opposed to taking no action. Water quality benefits are quantified for changes in salinity; other water quality changes are treated qualitatively. Reduced seismic risks result from the relative resilience of the post-BDCP Delta infrastructure to levee failures and island flooding.

Taken together, the three categories of benefits to the state and federal water contractors measured in The Brattle Group (2013) study may be worth in excess of \$18 billion in present value. These expected benefits are larger than the costs of \$13.5 billion assigned to the state and federal contractors. For this reason, the BDCP is likely to be a project that the contractors have an economic incentive to implement and finance.

8.3.4.4.1 Willingness to Provide Funding

Assurances of funding from the state and federal water contractors ultimately derive from the direct economic benefits of the BDCP to their customers. The financial support of the state and federal contractors is essential in order to implement the Plan. There is no inducement for water agencies to participate if costs of the Plan exceed costs without BDCP. The best assurance of contractor funding for the BDCP proposed action is if there is a business case to be made for it; that is, if the present

value of the economic benefits of the BDCP are sufficiently higher than the present value of the costs that are assumed to be assigned to the contractors.⁵⁹

Appendix 9.A, *Economic Benefits of the BDCP and Take Alternatives*, compares state and federal project yields obtained following implementation of the covered activities, to a condition where they are not implemented. As explained in more detail in Chapter 9, *Alternatives to Take*, deliveries under the BDCP for the state and federal projects combined are expected to have a mean annual yield of 4.718 million acre-feet (MAF) in the Early Long Term. Deliveries without BDCP are expected to be an average of 3.45 MAF annually, again at the Early Long Term.

The BDCP would reduce the frequency and magnitude of water shortages, reduce the need to invest in water supply alternatives, improve water quality, and reduce seismic risk, relative to an equivalent scenario without BDCP (see Appendix 9.A for details).

Benefits from the change in state and federal project deliveries are enjoyed by the customers of the state and federal water contractors receiving supplies from the Delta, which supply water to residences, commercial and industrial customers, and agriculture. In the agencies receiving SWP supplies, urban demand is projected to be 5.64 MAF in 2025 (the year CM1 would become operational) and is estimated to grow to 6.18 MAF by 2050. By 2025, shortages in the urban agencies receiving SWP deliveries are predicted to be 0.50 MAF on average in the absence of the BDCP. By 2050, these mean shortages are projected to be 0.84 MAF. The BDCP would mitigate these losses by lessening the frequency and magnitude of water supply shortages. With implementation, mean shortages would drop to 0.37 MAF by 2025. By 2050, they would average 0.57 MAF.

As presently configured, the Delta's water export infrastructure is vulnerable to earthquake-induced outages in which SWP and CVP deliveries would be drastically reduced, resulting in a potential shortage to urban and agricultural consumers. Through the construction of the north Delta water conveyance facility, the BDCP would reduce the vulnerability of the Delta's water export infrastructure to seismic events. With a 9,000-cfs north Delta water conveyance facility, post-earthquake water supplies could be maintained at a level of 3.8 MAF. Mean water supplies following an earthquake without BDCP are estimated to be 1.0 MAF.⁶⁰

The water conveyance facilities and operating criteria implemented as part of the BDCP would improve the quality of Delta exports to agricultural and municipal water users. With the BDCP, 49% of state and federal project supplies would originate at the north Delta facilities as opposed to 100% of supplies provided from the south Delta facilities without BDCP. As a result, project deliveries would be less saline with BDCP than without BDCP.

The economic benefits to the state and federal water contractors paying for CM1 and other conservation measures (see below for details) are \$18.0 billion (Brattle Group 2013). The present value of the cost of BDCP (including construction, habitat restoration, and operations and maintenance costs) that would be assigned to the contractors is \$13.5 billion.⁶¹ The BDCP would thus result in a net economic benefit of \$4.5 billion compared to a scenario without BDCP. State and

⁵⁹ Other economic costs and benefits beyond those evaluated to date are being assessed by DWR and are expected to be released prior to completion of the BDCP.

⁶⁰ MWD Board Meeting (Information obtained through personal communication with Randall Neudeck).

⁶¹ Both the benefits and costs are incremental to the baseline scenario of no BDCP, and are discounted to year 2012 at a 3% real discount rate.

1 federal water contractors have not agreed on a specified allocation of costs for the BDCP. The exact
2 allocation of these costs between SWP and CVP contractors and within each group will be
3 determined near the time that permits are issued for the BDCP, and will take into account how BDCP
4 benefits are realized within the project, as well as existing SWP and CVP policies and procedures.

5 **8.3.5 State Funding Sources**

6 **8.3.5.1 New Water Bonds**

7 In 2009, the California State Legislature passed a comprehensive water package that included four
8 policy bills and a major water bond measure that is scheduled to be on the 2014 ballot. The measure
9 is known as the Safe, Clean, and Reliable Drinking Water Supply Act of 2014. Funds derived from the
10 issuance of such bonds would be used, in part, to satisfy the State's financial commitments to the
11 BDCP.

12 The bond was originally slated to be on the 2010 ballot (as Proposition 18), then on the 2012 ballot,
13 but was postponed until 2014 because of the State's unprecedented economic recession. The bond
14 would provide \$11.14 billion for water supply reliability, surface and groundwater storage, Delta
15 restoration, water recycling, water conservation, watershed restoration, groundwater protection
16 and cleanup, and drought relief (Table 8-46). The Legislature is presently considering amendments
17 to the bond act.

18 The BDCP is expected to secure a large portion of the funds allocated to Delta sustainability, as well
19 as smaller portions of funds allocated to conservation and watershed protection. The water bond
20 will support the public benefits of Plan implementation, particularly natural community restoration
21 and other stressors conservation measures. For the purposes of the funding program and assuming
22 the water bond passes, the BDCP is expected to receive the conservative estimate of funding in Table
23 8-46. Based on the lifespan of similar recent water bonds, the 2014 water bond is expected to
24 disburse most or all of its funds within 10 years. For the purposes of this funding analysis, all of the
25 funds relevant to the BDCP are assumed to be disbursed within a 10-year period.

Table 8-46. Estimated Funding for 2014 Water Bond Relevant to the BDCP (based on 2010 allocations)

Category Relevant to the BDCP (2010 Proposed Bond Section)	Total Funding Assumed (millions) ^a	Proportion Assumed for the BDCP ^b	Total Estimated for the BDCP (millions)
Delta Sustainability (79731)			
• Improvements in Delta cities and counties	\$750	13%	\$100
• Implement Bay Delta Conservation Plan	\$1,500	80%	\$1,200
<i>Subtotal: Delta Sustainability</i>			<i>\$1,300</i>
Conservation and Watershed Protection			
Ecosystem and watershed protection (79750)	\$1,785	6%	\$100
Coastal Conservancy (79750(a))	\$250	20%	\$50
Wildlife Conservation Board (79750(c))	\$215	14%	\$30
Farmland Conservancy and Watershed Coordinator grant programs (79750(j))	\$20	20%	\$4
Central Valley Project Improvement Act project that improves salmonid fish passage in Sacramento River (79760)	\$60	50%	\$30
<i>Subtotal: Conservation and Watershed Protection</i>			<i>\$214</i>
Total Funding Estimated for the BDCP			\$1,514
Notes: ^a Based on allocations for 2010 bond; amounts in 2014 or in a future year may be different. ^b Based on overlap of BDCP conservation measures with the purpose of the program and potential competitiveness of the BDCP with other projects in the geographic area of the program (some are local, others are statewide). Source: Meral pers. comm.; Senate Bill 2, 2009-10 7th Ex. Sess. (CA 2009).			

BDCP assumes passage of a second water bond to fully fund the state portion of the Plan. The total BDCP funding assumed for the subsequent water bond is \$2.25 billion. The timing of any subsequent bond is unknown but would likely occur by year 15 of the permit term, providing funding for approximately 10 years after its passage.

8.3.5.1.1 History of Water Bonds in California

As shown in Table 8-47, 12 water bonds have been approved by California voters since 1960, a frequency of one every 4 years, on average. Based on this history, subsequent water bonds that would partially fund the BDCP are also likely to occur during the permit term.

1 **Table 8-47. Past General Obligation Water Bonds in California**

Water Bond	Year Passed	Amount at Time of Bond (in billions)	Present Value (discounted 2012 dollars in billions)	Voter Approval
The Safe, Clean, and Reliable Drinking Water Supply Act of 2010	(N/A) ^a	\$11.4	N/A	N/A
The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84)	2006	\$5.4	\$6.0	54%
Disaster Preparedness and Flood Prevention Bond Act (Proposition 1E)	2006	\$4.1	\$4.6	64%
Water Quality, Supply and Safe Drinking Water Projects Act (Proposition 50)	2002	\$3.4	\$4.3	55%
Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Act (Proposition 13)	2000	\$2.0	\$2.6	65%
The Safe, Clean, Reliable Water Supply Act (Proposition 204)	1996	\$1.0	\$1.4	63%
California Safe Drinking Water Bond Law of 1988 (Proposition 81)	1988	\$0.075	\$1.130	72%
Water Conservation and Water Quality Bond Law of 1986 (Proposition 44)	1986	\$0.075	\$0.138	74%
California Safe Drinking Water Bond Law of 1986 (Proposition 55)	1986	\$0.1	\$0.183	79%
Clean Water Bond Law (Proposition 25)	1984	\$0.01	\$0.019	73%
California Safe Drinking Water Bond Law of 1984 (Proposition 28)	1984	\$0.075	\$0.145	74%
California Safe Drinking Water Bond Law of 1976 (Proposition 3)	1976	\$0.175	\$0.575	---
California Water Resources Development Bond Act (Proposition 1)	1960	\$1.75	\$10.8	---
Notes:				
^a Accepted by CA legislature but vote postponed until 2014.				

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3 **8.3.5.2 Existing State Bonds and Other Programs**4 **8.3.5.2.1 Proposition 1E**

5 The Disaster Preparedness and Flood Protection Bond Act of 2006, commonly referred to as
6 Proposition 1E [codified at Public Resources Code [PRC] 5096.821, 5096.824, 5096.825, and
7 5096.827), authorized \$4.09 billion in general obligation bonds to rebuild and repair California's
8 most vulnerable flood control structures to protect homes and prevent loss of life from flood-related
9 disasters, including levee failures, flash floods, and mudslides, and to protect California's drinking
10 water supply system by rebuilding delta levees that are vulnerable to earthquakes and storms.

As of November 27, 2012, Proposition 1E had a remaining balance of approximately \$378.7 million (Tufts pers. comm.). The balance of remaining Proposition 1E funds and the purpose to which such funds may be applied is summarized in Table 8-48. All remaining funding from Proposition 1E is expected to be expended by the end of 2013 (Billington pers. comm.). Most (or all) funds from Proposition 1E are therefore expected to be spent prior to permit issuance. However, a portion of these funds (described below) are assumed to be spent on implementation actions that overlap with conservation measures as interim implementation actions that would occur prior to permit issuance and count toward BDCP requirements (Chapter 6, Section 6.2, *Interim Implementation Actions*).

Proposition 1E (PRC 5096.821) is a potential funding source for flood protection and habitat restoration in the Delta, and has already provided significant funding for these purposes. For example, Proposition 1E has authorized funding for the following actions.

- The evaluation, repair, rehabilitation, reconstruction, or replacement of levees, weirs, bypasses, and facilities of the State Plan of Flood Control.⁶²
- The improvement or addition of facilities to the State Plan of Flood Control to increase levels of flood prevention for urban areas, including all related costs for mitigation and infrastructure relocation.
- The reduction of risk of levee failure in the Delta via funding for the Delta Levee Subventions and Special Projects programs.

A remaining balance of approximately \$59.2 million is available for these purposes. The conservation measures that may be eligible for these funds include *CM2 Yolo Bypass Fisheries Enhancement* and all natural community restoration measures (CM4, CM5, CM6, CM7, CM8, CM9, CM10, and CM12).

Proposition 1E (PRC 5096.824) is a potential funding source for payment for the state's share of the nonfederal costs, and related costs, of flood control and flood prevention projects authorized under any of the following legislation.

- The State Water Resources Law of 1945 (Chapter 1 [commencing with Section 12570] and Chapter 2 [commencing with Section 12639] of Part 6 of Division 6 of the Water Code).
- The Flood Control Law of 1946 (Chapter 3 [commencing with Section 12800] of Part 6 of Division 6 of the Water Code).
- The California Watershed Protection and Flood Prevention Law (Chapter 4 [commencing with Section 12850] of Part 6 of Division 6 of the Water Code).

A remaining balance of approximately \$316 million is available for these purposes. Importantly, only projects that are not part of the State Plan of Flood Control are eligible for funding under this provision, which may limit its applicability to flood control projects in the Delta. The conservation measures that may be eligible for these grants include those that would provide flood protection

⁶² Collectively, the facilities, lands, programs, conditions, and mode of operations and maintenance for the state-federal flood protection system in the Central Valley are referred to as the State Plan of Flood Control. This plan is only a portion of the larger system that provides flood protection for the Central Valley. Private levees, locally operated drainage systems, and other facilities work in conjunction with plan facilities. An overview of the State Plan of Flood Control can be found at <http://www.water.ca.gov/cvfmp/docs/SPFCDescriptiveDocumentNov2010.pdf>.

benefits: *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration*, *CM6 Channel Margin Enhancement*, and *CM10 Nontidal Marsh Restoration*.

Proposition 1E (PRC 5096.825) also authorized funding for the protection, creation, and enhancement of flood protection corridors and bypasses through any of the following actions.

- Acquiring easements and other interests in real property to protect or enhance flood protection corridors and bypasses while preserving or enhancing the agricultural use of the real property.
- Constructing new levees necessary for the establishment of a flood protection corridor or bypass.
- Setting back existing flood control levees, and in conjunction with undertaking those setbacks, strengthening or modifying existing levees and weirs.
- Relocating or flood proofing structures necessary for the establishment of a flood protection corridor.
- Acquiring interests in or providing incentives for maintaining agricultural uses of, real property that is located in a floodplain that cannot reasonably be made safe from future flooding.
- Acquiring easements and other interests in real property to protect or enhance flood protection corridors while preserving or enhancing the wildlife value of the real property.
- Floodplain mapping and related activities.

A remaining balance of approximately \$3.5 million is available for these purposes. The conservation measures that may be eligible for these grants include *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Community Restoration*, *CM5 Seasonally Inundated Floodplain Restoration*, *CM6 Channel Margin Enhancement*, and *CM10 Nontidal Marsh Restoration*.

Proposition 1E (PRC 5096.827) directed DWR to make funding available for a stormwater flood management grant program. Funding is no longer available under this portion of Proposition 1E. Table 8-48 summarizes the funding opportunities available under Proposition 1E.

Table 8-48. Proposition 1E Funding Opportunities

Prop. 1E Bond Program	Public Resources Code	Balance Remaining (in millions)	BDCP Expected Funding (in millions) ^a	Relevant BDCP Conservation Measures
State Plan of Flood Control	5096.821	\$59.2	\$5.9–\$14.8	CM2, CM4, CM5, CM6, CM7, CM8, CM9, CM10, and CM12
Flood control and flood prevention projects	5096.824	\$316	\$31.6–\$79	CM4, CM5, CM6, and CM10
Flood protection corridors and bypasses	5096.825	\$3.5	\$0.4–\$0.9	CM2, CM4, CM5, CM6, and CM10
Total		\$378.7	\$37.9–\$94.7	
Notes:				
^a BDCP expected funding: low estimate = 10%; high estimate = 25%				
Source: Tufts pers. comm.				

8.3.5.2.2 Proposition 84

The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, commonly known as Proposition 84, authorized \$5.388 billion in general obligation bonds to fund safe drinking water, water quality and supply, flood control, waterway and natural resource protection, water pollution and contamination control, state and local park improvements, public access to natural resources, and water conservation efforts. Of the total authorized by Proposition 84, \$800 million is committed to efforts that enhance Proposition 1E flood control projects.

Proposition 84 (PRC 75026 *et seq.*) allocated \$1 billion for planning and implementing California's Integrated Regional Water Management program. This program, which is administered by DWR, provides comprehensive management of all aspects of water resources on a regional basis. Proposition 84 allocated funds to 11 funding areas across the state's 10 hydrologic regions. The Plan Area is located in three of these regions: Sacramento River, San Joaquin River, and San Francisco Bay Area. A further \$100 million was set aside for interregional grants to address multiregional needs or issues of statewide significance. Funds for the three hydrologic regions that include the Plan Area and the interregional allocation could potentially support Delta water supply, water quality, flood protection, and habitat restoration projects, provided such projects are incorporated into the integrated regional water management plans for each region. The funding allocation and remaining balance for each of the relevant regions is as follows.

- San Francisco Bay Area: \$21 million remaining balance (as of January 2013)
- Sacramento River: \$12 million remaining balance (as of January 2013)
- San Joaquin River: \$10 million remaining balance (as of January 2013)

All remaining funding from Proposition 84 is expected to be awarded by 2015. The conservation measures that would likely be eligible for these funds in one or more regions include *CM2 Yolo Bypass Fisheries Enhancement*, *CM3 Natural Communities Protection and Restoration*, and all natural community restoration and enhancement measures (CM4, CM5, CM6, CM7, CM8, CM9, CM10, and CM12). Projects in and near the Delta and similar in purpose to conservation measures that have been funded by Proposition 84 include the Lower Cosumnes River Floodplain Restoration Project, Sears Point Wetland and Watershed Restoration, and East Contra Costa County Watershed Protection and Restoration.

Proposition 84 (PRC 75029) allocated funding for grants to implement Delta water quality improvement projects that protect drinking water supplies. DWR requires a cost share from local agencies that receive grant funding. Projects are eligible if they meet any of the following criteria.

- Projects that reduce or eliminate discharges of salt, dissolved organic carbon, pesticides, pathogens and other pollutants to the San Joaquin River.
- Projects that reduce or eliminate discharges of bromide, dissolved organic carbon, salt, pesticides, and pathogens from discharges to the Sacramento River.
- Projects at Franks Tract and other locations in the Delta that will reduce salinity or other pollutants at agricultural and drinking water intakes.
- Projects identified in the June 2005 *Delta Region Drinking Water Quality Management Plan*, with a priority for design and construction of the relocation of drinking water intake facilities for in-delta water users.

A remaining balance of approximately \$35 million is available for projects that reduce or eliminate discharges of salt, dissolved organic carbon, pesticides, pathogens and other pollutants to the San Joaquin River. Projects promoting *CM19 Urban Stormwater Treatment* may be eligible to receive grant funding under PRC 75029.

Proposition 84 (PRC 75041) allocated funding for planning and feasibility studies related to the existing and potential future needs of California's water supply, conveyance, and flood control systems. A remaining balance of approximately \$11 million is available for these purposes. The BDCP is unlikely to qualify for these funds, if any remain by the time of implementation because the BDCP would be well beyond the studies stage.

Proposition 84 (PRC 75050(c)) allocated funding for development, rehabilitation, acquisition, and restoration costs related to providing public access to recreation and fish and wildlife resources in connection with state water project obligations pursuant to Water Code Section 11912. A remaining balance of approximately \$52 million is available for these purposes. The BDCP may qualify for these funds for restoration projects that also introduce or expand public access to new areas of the Delta (*CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM11 Natural Communities Enhancement and Management*).

Table 8-49 summarizes the funding opportunities available under Proposition 84.

Table 8-49. Proposition 84 Funding Opportunities

Proposition 84 Bond Program	Public Resources Code	Balance Remaining (in millions)
Integrated regional water management planning and implementation	75026	\$178 ^a
Delta water quality improvement projects	75029	\$35
Planning and feasibility studies	75041	\$11 ^b
Public access to recreation and fish and wildlife resources related to SWP	75050(c)	\$52
Total		\$265
BDCP expected funding (low estimate = 15%; high estimate = 30%)		\$40-80
Notes:		
^a Funding for the three hydrologic regions that overlap with the Plan Area.		
^b Funding source may not apply to conservation measures; not included in total.		
Source: Kenner pers. comm.		

8.3.5.2.3 Proposition 50

The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 provided \$3.44 billion in bond funds for projects and grants to secure and safeguard the integrity of the state's water supply from catastrophic damage or failure; to provide a safe, clean, affordable, and sufficient water supply; to establish and facilitate integrated regional water management systems; to improve water quality, reduce pollution, protect and manage groundwater, and increase water use efficiency; to provide river parkways; to effectively use Colorado River water; to restore and protect coastal wetlands and watersheds; and to protect, restore, and conserve the habitat and water resources of the Bay-Delta region.

As of January 14, 2011, Proposition 50 had a remaining balance of approximately \$22 million, less than 1% of the \$3.44 billion authorization. While Proposition 50 has been a significant source of past funding for flood protection and habitat restoration in the Delta, less than 1% of authorized funding remains. All remaining funding from Proposition 50 is expected to be expended by 2013, before permits are issued. Although Proposition 50 is unlikely to be a source of funds for the BDCP, it is discussed here because it demonstrates California's willingness to approve significant funding for water quality and habitat restoration projects in the Delta.

8.3.5.2.4 Interagency Ecological Program (State Funding)

The IEP brings state and federal natural resource and regulatory agencies together to coordinate monitoring and studies of ecological changes in the Delta. The IEP consists of ten member entities: three state agencies (DWR, CDFW, and the State Water Resources Control Board [State Water Board]); six federal agencies (USFWS, Reclamation, USGS, USACE, NMFS, and U.S. Environmental Protection Agency [EPA]), and one nongovernment organization (The San Francisco Estuary Institute). These ten program partners work together to develop a better understanding of the estuary's ecology and the effects of the SWP and CVP operations on the physical, chemical, and biological conditions of the San Francisco Bay-Delta estuary. The IEP has been instrumental in coordinating Delta monitoring and research activities conducted by state and federal agencies and other science partners for 40 years. IEP monitoring activities are generally carried out in compliance with water right decisions and ESA permit and/or BiOp conditions. Most of the monitoring under the IEP focuses on open water areas and the major Delta waterways conveying water to the SWP and CVP facilities in the south Delta. The IEP produces publicly accessible data that include fish status trends, water quality, estuarine hydrodynamics, and foodweb monitoring.

In 2012, the IEP oversaw almost \$25 million for 129 separate special studies divided into six program areas, all of which are relevant to the BDCP monitoring and adaptive management program (Table 8-50). Funding for the IEP comes from nearly every state and federal agency involved in the program, including DWR, Reclamation, USFWS, NMFS, and USGS (Table 8-50); special studies funding represents only a fraction of the entire IEP budget. For the purposes of the cost estimate, 25% of DWR funding for IEP and 10% of "Other" state funding for IEP is assumed to overlap with BDCP (\$1.7 million x 25% + \$6.8 million x 10% = \$1.1 million per year), which is an estimated \$55 million over the permit term.

Table 8-50. 2012 Funding for Interagency Ecological Special Studies Projects (millions \$), by Funding Source

Program Area	DWR ^a	Reclamation	Other ^b	Total
Salmon migration	\$0.8	\$5.4	\$1.1	\$7.3
Resident and native fish	\$0.6	\$4.3	\$0.7	\$5.6
Ecological processes	\$0.3	\$3.5	\$4.2	\$8.0
Estuarine monitoring	–	\$0.4	\$0.3	\$0.7
Fish facilities	–	\$1.5	–	\$1.5
Contaminant effects	–	\$0.4	\$0.5	\$0.9
Total	\$1.7	\$15.2	\$6.8	\$24.0
Notes:				
^a DWR funding for the IEP is provided by the state water contractors.				
^b Includes funding from the State Water Resources Control Board, Delta Science Program, and CALFED Environmental Restoration Program.				
Source: Souza pers. comm.				

8.3.5.2.5 Delta Stewardship Council

On Feb. 3, 2010, the Sacramento–San Joaquin Delta Reform Act of 2009 took effect, creating the new Delta Stewardship Council as an independent state agency. Under the same legislation, the CALFED Science Program became the Delta Science Program, reporting to the new Delta Stewardship Council.

The mission of the Delta Stewardship Council is to achieve the state’s goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Sacramento–San Joaquin Delta ecosystem. The mission will be carried out through funding research, synthesizing and communicating scientific information to policymakers and decision makers, promoting independent scientific peer review, and coordinating with Delta agencies to promote science-based adaptive management. Any public agency or nonprofit organization capable of entering into a grant agreement with the state or federal government may apply (Water Code 85280 (b) (4)). This includes, but is not limited to local agencies, private nonprofit organizations, tribes, universities, state agencies, and federal agencies.

Under the Delta Stewardship Council, the Delta Science Program has funded more than 40 research grants totaling more than \$25 million. Proposals must address at least one of the priority topic needs, and those that address more than one topic and study question are encouraged. Because the Delta Science Program has limited funds, proposals that demonstrate use of other funding sources (e.g., matching funds, cost sharing, in-kind services.) to leverage science program funds were preferred compared to those without matching funds.

Table 8-51 shows the amounts and funding details for solicitations from 2004 to 2010 (solicitations do not occur in every year). Over the past 7 years, the Delta Science Program (and its predecessor, the CALFED Science Program) has provided approximately \$25 million for research and peer review services to the Delta. Because of the strong overlap between the mission of the Delta Science Program and the goals of the BDCP and the expected overlap in research priorities of the two organizations, it is assumed that 50% of the funds available to the program (an average of \$1.8 million annually) would directly support as the BDCP adaptive management and monitoring program.

Table 8-51. Delta Science Program Historical Funding Opportunities

Year	Total Amount	Funding Source	Potential Funding per Grant/Duration	Priority Topics
2004	\$10 million	Prop 204 Prop 13 Prop 50	<ul style="list-style-type: none"> No limits, most between \$150,000–\$1.5 million Up to 3 years 	<ul style="list-style-type: none"> Water operations and biological resources Ecological processes and their relationship to water management and key species Performance assessment to improve tools and evaluate implications of future changes
2006	\$6 million	Prop 50	<ul style="list-style-type: none"> \$1 million minimum Up to 3 years 	<ul style="list-style-type: none"> Environmental water Aquatic invasive (exotic) species Trends and patterns of populations and system response to a changing environment Habitat availability and response to change
2007	\$2 million	NA	<ul style="list-style-type: none"> \$300,000 maximum Up to 2 years 	Proposals selected for funding in 2004 or 2006 were eligible to receive supplemental funding
2010	\$7 million	Prop 84	<ul style="list-style-type: none"> No limits, most between \$150,000–\$1.5 million Up to 3 years 	<ul style="list-style-type: none"> Native fish biology and ecology Food webs of key delta species and their relationship to water quality and other drivers Coupled hydrologic and ecosystem models Water and ecosystem management decision support system development

8.3.5.2.6 Fish Agreements (DBEEP, FRPA)

1986 Delta Fish Agreement

The 1986 Agreement between DWR and CDFW to Offset Direct Losses in Relation to the Harvey O. Banks Delta Pumping Plant, more commonly referred to as the Delta Fish Agreement, provides funding for offsetting adverse fishery impacts caused by the diversion of water at the Harvey O. Banks Delta Pumping Plant. Direct losses of Chinook salmon, steelhead, and striped bass are offset or mitigated through the funding and implementation of fish mitigation projects. DWR and CDFW coordinate with the Fish Advisory Committee to implement the agreement and projects funded under the agreement. The Fish Advisory Committee is made up of representatives of the state water contractors, sport and commercial fishing groups, and environmental groups. In the past, the program has implemented a variety of projects in the Sacramento and San Joaquin river basins and in the Bay-Delta area.

One program implemented under the Delta Fish Agreement that is particularly relevant to the BDCP is DBEEP. Since 1986, this project has been annually funded by DWR through contracts with CDFW that are continually renewed every 3 years. Most recently, in July 2011, DWR entered into a contract with CDFW to continue for an additional 3 years the implementation of DBEEP for increased fishery protection enforcement efforts to reduce illegal take of striped bass, salmon, steelhead, and sturgeon. The agreement will support ten existing warden positions in the San Francisco Bay/Delta, northern Sacramento Valley, and southern San Joaquin Valley. Under this contract, DBEEP funding for the next 3 years is projected to be \$1.9 to \$2.1 million annually.

Although DBEEP funding must be renewed every 3 years, DWR is assumed to fund the current DBEEP program (accounting for inflation) throughout the permit term. Additionally, the

implementation of *CM17 Illegal Harvest Reduction* will hire and equip 17 additional game wardens and five supervisory and administrative staff in support of DBEEP (i.e., 27 game wardens would be employed by DBEEP through DWR and the BDCP).

2010 Fish Restoration Program Agreement

In October 2010, DWR and CDFW signed the Fish Restoration Program Agreement that establishes the framework for selecting, funding, and implementing specific restoration projects, and for management and funding plans to create or restore fish habitat or other activities. The implementation of the fish restoration program will satisfy requirements in the 2008 USFWS BiOp for delta smelt, the 2009 National Marine Fisheries Service (NMFS) BiOp for salmonids and green sturgeon, and the longfin smelt incidental take permit from CDFW for SWP operations. The commitment of specific funding for and implementation of the restoration actions or other activities will be made by DWR through execution of subsequent agreements with other entities, such as, if appropriate, CDFW, USFWS, and NMFS. Plans for individual restoration projects must include DWR funding sufficient to accomplish full implementation of the action. Full implementation may include, but is not limited to, restoration planning, environmental review and documentation, permitting, interim management prior to restoration, restoration implementation, operation and maintenance activities, and monitoring to evaluate project success in meeting the planned restoration objectives.

8.3.5.3 Existing State Grants

8.3.5.3.1 Wildlife Conservation Board

The Wildlife Conservation Board was created by legislation in 1947 to administer a capital outlay program for wildlife conservation and related public recreation. The primary responsibilities of the board are to select, authorize, and allocate funds for the purchase of land and waters suitable for recreation purposes and the preservation, protection and restoration of wildlife habitat. Originally created within the California Department of Natural Resources, and later placed with CDFW, the Wildlife Conservation Board is a separate and independent board with authority and funding to carry out an acquisition and development program for wildlife conservation. The board consists of the president of the Fish and Game Commission, the director of CDFW and the director of the Department of Finance (Wildlife Conservation Board 2012).

The Wildlife Conservation Board has received funding from the following sources.

- Proposition 40—California Clean Water, Clean Air, Safe Neighborhoods Parks and Coastal Protection Act of 2002.
- Proposition 50—Water Security, Clean Drinking Water and Coastal Protection Act of 2002.
- Proposition 84—The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.
- Proposition 1E—Disaster Preparedness and Flood Prevention Bond Act of 2006.

The Wildlife Conservation Board approves and funds projects that set aside lands in the state for conservation purposes, through acquisition or other means. The board can also authorize the construction of facilities for recreational purposes on property in which it has a proprietary interest. The board's three main functions are land acquisition, habitat restoration, and development of wildlife-oriented public access facilities, and are carried out through its various programs. The Wildlife Conservation Board manages 10 programs that provide funding opportunities for different

types of habitat conservation projects (Wildlife Conservation Board 2012). Of these, seven programs are relevant to the BDCP.

- **Riparian.** Coordinates conservation efforts aimed at protecting and restoring the state's riparian ecosystems.
- **Forest.** Promotes the ecological integrity and economic stability of California's diverse native forests.
- **Inland wetlands.** Protects, restores, and enhances wetlands and associated habitats.
- **Cultivated lands.** Assists farmers in integrating agricultural activities with wildlife habitat restoration.
- **Rangeland.** Protects California's rangeland, grazing land and grassland through the use of conservation easements.
- **Habitat enhancement restoration.** Includes all restoration projects that fall outside the Wildlife Conservation Board's other mandated programs.
- **Acquisition.** Acquires real property or rights in real property on behalf of CDFW and through grants. The majority of the acquisition projects fall under two main categories, acquisition of fee title or acquisition through conservation easements. In some cases, other property rights, such as water, can be separated out and acquired.

The Wildlife Conservation Board relies on the biological expertise of CDFW to recommend and prioritize projects. For the most part, the board only funds capital outlay costs. The board does not fund non-project-specific planning, research, and studies. When evaluating projects the board prefers projects that are ready for implementation, with all or most of the planning, design, permitting or other preimplementation costs completed. Although the board does not fund mitigation projects, it is able to collaborate on projects that include a mitigation component, so long as the mitigation component can be clearly delineated and separated from other board funding (Wildlife Conservation Board 2012). All projects are evaluated in terms of their relative cost to habitat value.

In 2011, the Wildlife Conservation Board earmarked \$22.3 million to help restore and protect fish and wildlife habitat throughout California through 19 funded projects. A sample of funded projects relevant to the BDCP is provided below (California Department of Fish and Game 2011c).

- A \$304,000 grant to Ducks Unlimited, Inc. for a cooperative project with CDFW to complete final design plans for a tidal wetland restoration project on Ponds E12 and E13, located on the Eden Landing Ecological Reserve in Alameda County.
- A \$415,000 grant to Save The Bay for a cooperative project with CDFW, USFWS, and NMFS to restore approximately 251 acres of transitional zone habitat adjacent to former salt ponds on the Eden Landing Ecological Reserve and the Don Edwards San Francisco Bay National Wildlife Refuge in Alameda and San Mateo Counties.
- A \$7.8 million grant to the Pacific Forest Trust for a conservation easement over 8,230 acres in Shasta and Siskiyou Counties.
- A \$1.1 million grant to the Northern California Regional Land Trust for a cooperative project with Western Rivers Conservancy and CDFW to acquire fee title to approximately 599 acres of land for the expansion of the Lassen Foothills Conservation Area in Tehama County.

- A \$5 million grant to the Truckee Donner Land Trust to acquire approximately 2,995 acres of land for the protection of the upper watershed and source of the Little Truckee River in Nevada and Sierra Counties.

Funding from the Wildlife Conservation Board is likely to be most relevant to *CM3 Natural Communities Protection and Restoration* to support acquisition of land for the reserve system. For example, the board has helped fund land acquisition in Contra Costa County for the East Contra Costa County HCP/NCCP.⁶³ However, other conservation measures may also benefit from funding, including CM4, CM5, CM6, and CM7.

As described above, the Wildlife Conservation Board receives funds from a variety of sources, some of which are already accounted for in other sections of the funding analysis (e.g., state propositions). However, the board is likely to have some funding available for the BDCP independent of these other sources, or from new sources. Therefore, it is assumed that the board could provide an average of \$1 million annually for conservation measures over the permit term (\$50 million total).

8.3.5.3.2 Ecosystem Restoration Program

The Ecosystem Restoration Program (ERP) is a multiagency effort aimed at improving and increasing aquatic and terrestrial natural communities and ecological function in the Delta and its tributaries.⁶⁴ The CDFW water branch coordinates with USFWS and NMFS to implement the program.

The water branch executes restoration actions through projects administered by the ERP's grants program. The majority of these projects focus on fish passage issues, species assessment, sedimentation, or natural community restoration. Branch staff provides grant management for ongoing ERP projects; the water branch also works with CDFW regional staff and prospective grant recipients to award and execute new projects.

The 2010 solicitation was for ecosystem restoration projects primarily in the Delta and Suisun Marsh and required that projects be consistent with the following plans and programs (California Department of Fish and Game 2010).

- CALFED Record of Decision
- ERP Stage 2 Conservation Strategy
- Delta Stewardship Council Interim Plan
- The BDCP

Specifically, the ERP solicited for proposals focused on the following priorities (California Department of Fish and Game 2010).

- Restoration projects that restore or enhance aquatic natural communities in the Sacramento–San Joaquin Delta and Suisun Marsh and Bay.

⁶³ Often the Wildlife Conservation Board is the state entity that provides funds to local HCPs and NCCPs secured by the state through the ESA Section 6 federal grant program, administered by USFWS. See the USFWS funding section for details.

⁶⁴ Funding may be provided from this source but it is not assumed because of the uncertainty in funding to support the BDCP.

- Research that tests hypotheses identified in the Delta Regional Ecosystem Restoration Implementation Plan (DRERIP) evaluation of the conservation measures and National Research Council OCAP BiOp review and that addresses uncertainties.
- Projects that construct facilities to control waste discharges that contribute to low dissolved oxygen and other water quality problems in the lower San Joaquin River and south Delta, or that construct facilities to control drainage from abandoned mines that adversely affect water quality in the Bay Delta.

The grants are awarded for up to 3 years. The number of awards and total funding depends on legislative appropriation. Funding was provided through Proposition 84, Proposition 13, and other state sources. To be funded by Proposition 13, a project must be an “eligible project” that “constructs facilities” to address specific water quality problems, defined in of the California Water Code (Section 79190). Historically, Proposition 13 funds have been managed by ERP to support projects that address low dissolved oxygen conditions in the Stockton Deep Water Ship Channel and mercury issues, both of which affect water quality in the Delta. Table 8-52 summarizes the projects that received funding in the 2010–2011 solicitation (California Department of Fish and Game 2010).

Table 8-52. Ecosystem Restoration Program 2010–2011 Funding

Project Name	Amount
Management Tools for Landscape-Scale Restoration of Ecological Functions in the Delta	\$875,000
Salinity Effects on Native and Introduced SAV of Suisun Bay and the Delta	\$412,410
Wetland and Rice Management to Limit Methylmercury Production and Export	\$197,416
Development of a Spatially Explicit Ecosystem Model to Explore Physicochemical Drivers of Step Changes in POD Species And Distribution in the Sacramento–San Joaquin Delta and Suisun Bay	\$356,483
Evaluation of Floodplain Rearing and Migration in the Yolo Bypass	\$878,020
Linking Habitat and Spatial Variability to Native Fish Predation	\$730,307
A Systems Biology Assessment of EDCs in the Delta	\$486,411
McCormack-Williamson Tract Flood Control and Ecosystem Restoration Project	\$3,314,300
Survival and Migratory Patterns of Juvenile Spring and Fall Run Chinook Salmon in Sacramento River & Delta	\$1,746,955
If we build it, will they come?: Identifying habitat characteristics that support native fish in the Delta & Suisun Marsh	\$1,152,195
Managing Natural Resources for Adaptive Capacity: the Central Valley Chinook Salmon Portfolio	\$489,343
Corona and Twin Peaks Mine Drainage Treatment Project	\$1,422,469

This funding source is directly applicable to the BDCP because one of the goals of the program is to support the conservation strategy. This funding source would be applicable to nearly all conservation measures. While this fund has the potential to fund conservation measures, no funding is assumed at this time because of its uncertainty. Future funding from ERP is contingent on available state funds and legislative action to allocate these funds to CDFW.

8.3.5.3.3 Environmental Enhancement Fund

The Environmental Enhancement Fund grant program is administered by the CDFW's Office of Spill Prevention and Response for environmental enhancement projects located within or adjacent to the marine waters of the state. An enhancement project is a project that acquires habitat for preservation, or improves habitat value and ecosystem function above baseline conditions, and that meets all of the following requirements (California Department of Fish and Game 2011a).

- It is located within or immediately adjacent to California marine waters,⁶⁵ as defined in California Government Code (subdivision (i) of Section 8670.3).
- It has measurable outcomes within a predetermined timeframe.
- It is designed to acquire, restore, or improve habitat or restore ecosystem function, or both, to benefit fish and wildlife.

Currently, the Office of Spill Prevention and Response is authorized to spend up to \$300,000 per year from the Environmental Enhancement Fund; however, after all mandatory deductions including overhead are accounted for, that amount is approximately \$250,000. Multiyear projects are acceptable as long as there is no more than the annual spending authority requested per year (\$250,000) (California Department of Fish and Game 2011b). The grant can be awarded to nonprofit organizations, cities, counties, districts, state agencies, and departments; and, to the extent permitted by federal law, to federal agencies.

Availability of funding is intermittent and dependent on violation fees. Available funds are a potential source of funding for the BDCP, but are not guaranteed. The conservation measures most relevant to this grant program are restoration measures for tidally influenced natural communities (CM2, CM4, CM5). Because funding under this program is uncertain, no funding is assumed for the BDCP in this analysis.

8.3.5.3.4 Fisheries Restoration Grant Program

The CDFW Fisheries Restoration Grant Program was established in 1981 and supports projects restoring anadromous salmon and steelhead habitats. Contributing partners include CDFW, federal and local governments, tribes, water districts, fisheries organizations, watershed restoration groups, the California Conservation Corps, AmeriCorps, and private landowners. Since 1981, over 600 stakeholders have participated in 3,000 projects totaling \$200 million in funding. Past projects have restored the following features (California Department of Fish and Game 2012a):

- 895 miles of stream treated
- 53 miles of stream bank stabilized
- 122 miles of instream habitat restored
- 661 miles of stream opened to fish passage by removing 440 barriers
- 5,467 acres of riparian habitat restored

⁶⁵ The section referenced as defining marine waters in the California Governmental Code is incorrectly cited. Section 8670.3(l) provides the definition for *marine waters* as those waters subject to tidal influence, and includes the waterways used for waterborne commercial vessel traffic to the Port of Sacramento and the Port of Stockton.

- 1,283 miles of road treated to reduce sediment in salmonid streams

Applicants apply through an annual open, competitive selection process. Acceptable proposals are consistent with the CDFW *California Salmonid Stream Habitat Restoration Manual* and the CDFW *Steelhead Restoration & Management Plan* for California (other criteria are not relevant to the BDCP) (California Department of Fish and Game 2012b).

Funding sources include the Pacific Coastal Salmon Recovery Fund, Proposition 84, and the Steelhead Fishing Report and Restoration Card. In 2011, CDFW anticipated that \$15 million in federal funds and \$10 million in Proposition 84 bond funds were available to be distributed by geographic area. In 2011 and 2012, 55 programs received a total of \$13.5 million in funding. To date, no grants have been awarded in the Central Valley, including the Delta. However, with the conservation activity generated by the BDCP, the conservation measures that may qualify for this grant program include those that directly benefit salmonid covered fish such as *CM2 Yolo Bypass Fisheries Enhancement* and *CM4 Tidal Natural Communities Restoration*. Despite the applicability of this fund to the conservation measures, no funding is assumed from this program due to a lack of history of funding projects in the Central Valley and associated funding uncertainties.

8.3.6 Federal Funding Sources

Potential federal funding sources are divided into four categories. First, existing federal appropriations relevant to BDCP are expected to continue in amounts and for durations described below. Second, new federal appropriations would be needed to support BDCP. Third, several federal grant programs are expected to provide funding to support BDCP actions. Finally, other federal funding sources are described.

8.3.6.1 Existing Federal Authorizations

There are two existing federal authorizations that could be used to fund BDCP, the Central Valley Project Improvement Act Restoration Fund and the CALFED Bay-Delta Authorization Act, which provides the authority for California Bay-Delta Restoration appropriations. Each of these authorities and their expected federal appropriations are discussed below.

8.3.6.1.1 Central Valley Project Improvement Act Restoration Fund

The Central Valley Project Improvement Act (CVPIA) Restoration Fund was authorized in the Reclamation Projects Authorization and Adjustments Act of 1992 (Title XXXIV of Public Law 102-575; October 30, 1992). The fund was established to contribute to the implementation of the CVPIA, which directs the following purposes.

- Protect, restore, and enhance fish, wildlife, and associated habitats in the Central Valley and Trinity River Basins.
- Address impacts of the CVP on fish, wildlife, and associated habitats.
- Increase the water-related benefits provided by the CVP to the state of California through expanded use of voluntary water transfers and improved water conservation.
- Contribute to the state's efforts to protect the San Francisco Bay and Sacramento–San Joaquin Delta estuary.
- Achieve a reasonable balance among competing demands for use of CVP water.

- Improve the operational flexibility of the CVP.

The CVPIA Restoration Fund's primary source of revenue is from annual mitigation and restoration payments made by CVP water service and power contractors. In addition to these payments, the CVPIA also establishes specific nondiscretionary charges such as the Friant Division surcharge, charges on water transfers to non-CVP municipal and industrial users, and incremental revenue from tiered water rates. Rates and charges are established with the goal of collecting an aggregate \$50 million per year at 1992 price levels into the restoration fund, based on a 3-year rolling average. Of this amount, up to \$30 million per year (at 1992 price levels) is collected from mitigation and restoration payments made by CVP water service and power contractors. Through federal fiscal year 2010, CVP water and power users have contributed more than \$600 million in mitigation and restoration payments to the restoration fund. CVPIA provides that the amount paid to the restoration fund by water and power contractors will, "to the greatest degree practicable," be assessed on a 10-year average basis in proportion to the project repayment obligations allocated to water and power purposes.

The CVPIA establishes limitations on the amount of federal funds that may be spent on specific activities. For activities that support the development and implementation of programs to mitigate fishery impacts associated with operations of Jones Pumping Plant, costs are reimbursed according to the following statutory formula.

- 37.5% reimbursed as main project (CVP) feature
- 37.5% considered a nonreimbursable federal expenditure
- 25% paid by the State of California

The reimbursable share of funding is allocated among CVP project water and power users according to existing procedures. For activities that support the development and implementation of measures to avoid losses of juvenile anadromous fish resulting from unscreened or inadequately screened diversions on the Sacramento and San Joaquin Rivers, their tributaries, the Sacramento-San Joaquin Delta, and Suisun Marsh, costs allocated to Reclamation cannot exceed 50% of the total cost of any such activity. Examples of such projects include construction of screens on unscreened diversions, rehabilitation of existing screens, replacement of existing nonfunctioning screens, and relocation of diversions to less fishery-sensitive areas. For federal fiscal year 2012, the Consolidated Appropriations Act of 2012 (Public Law 112-74) provided an appropriation of \$53.0 million for the CVPIA Restoration Fund (U.S. Senate Report 112-075, 2011). For 2013, the President's budget seeks \$39.9 million for the CVPIA Restoration Fund. Table 8-53 shows the appropriation history of the fund from the annual Energy and Water Appropriations Bill. This funding history demonstrates a consistent record of accomplishment of annual appropriations, and a general trend of steady funding since 1996, including increases to account for inflation.

CVPIA Restoration Funds are for mitigation and restoration of the Central Valley Project. If at some time in the future Interior determines that mitigation and restoration actions under CVPIA Section 3406 are complete, then the CVPIA Restoration Fund will be reduced under the provisions of CVPIA. At that time, the reduced Restoration Fund will be primarily used to maintain existing mitigation and restoration programs and activities. The CVPIA Restoration Fund collections from water and power contractors are reduced by 50% (\$15 million in 1992 dollars) when the CVPIA mitigation and restoration actions are determined to be complete.

Table 8-53. Appropriation History of the CVPIA Restoration Fund from the Annual Energy and Water Appropriations Bill

Appropriation	Amount	Appropriation	Amount
1994	\$45,000,000	2003	\$48,904,000
1995	\$45,385,000	2004	\$39,600,000
1996	\$43,579,000	2005	\$54,695,000
1997	\$38,096,000	2006	\$52,219,000
1998	\$25,130,000	2007	\$52,149,990
1999	\$33,130,000	2008	\$59,122,000
2000	\$42,000,000	2009	\$56,079,000
2001	\$38,359,666	2010	\$35,358,000
2002	\$55,039,000	2011	\$49,915,000
		2012	\$53,068,000
Total			\$866,829,000
Notes: CVPIA = Central Valley Project Improvement Act			

Restoration funding is provided for activities that protect, restore, and manage aquatic and riparian natural communities, for provision of water supplies to wildlife refuges, and for water acquisition and other activities that benefit anadromous fish. These activities are consistent with the performance goals, criteria, and recommendations from the 2009 *CVPIA Program Activity Review Report* (Bureau of Reclamation 2011b). Table 8-54 provides a summary of CVPIA program funding obligations from fiscal years 2001 to 2011 for programs that may potentially relate to the conservation measures.

While the BDCP is not a CVPIA project-specific action and therefore is not authorized for broad implementation, there will be elements of the BDCP that may be implemented as CVPIA projects provided they are consistent with the authorized purposes of the CVPIA, including various CVP implementing documents.

Certain CVPIA programs provide for grants and cooperative agreements for mitigation actions that meet the needs and goals of CVPIA. In 2012, a total of \$3 million will be awarded to 15 projects with a ceiling of \$1 million and a floor of \$25,000 per grant.

Based on common ecological goals of CVPIA and the BDCP conservation measures, it is anticipated that various CVPIA authorities and funds will be used to support the implementation of certain BDCP conservation measures. For the purposes of this analysis, it is assumed that the BDCP has the potential to secure, on average, \$2 million annually in grants throughout the permit term (\$100 million total). However, most of this amount is expected during the earlier part of the permit term.

1 **Table 8-54. Summary of CVPIA Restoration Funding Potentially Relevant to Conservation Measures**

Description	Similar to Conservation Measure or Component	Federal Fiscal Year Appropriations (in millions \$)											Total FY01–11
		FY01	FY02	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	
Anadromous Fish Restoration Program (3405(a))	Many	5.3	5.0	5.0	3.1	4.1	3.3	5.5	3.5	6.6	4.1	6.2	51.7
Anadromous Fish Screen Program (3406(b)(21))	CM1 (fish screens), CM21	1.9	7.9	3.6	4.7	8.2	10.0	7.5	(1.3)	3.9	7.7	3.9	58.0
Habitat Restoration Program Other CVP Impacts (3406(b)(1)(other))	Many	1.4	1.5	1.5	1.4	1.5	1.5	1.5	1.4	1.4	1.2	1.7	16.0
Water Acquisition-Instream Flow (3406(b)(3))	CM1 (water acquisition)	1.1	3.3	3.2	(0.6)	3.6	2.0	6.5	3.8	6.0	6.6	6.8	42.3
Comprehensive Assessment and Monitoring Program (3406 (b)(16))	Monitoring		0.3	0.5	0.2	0.2	0.5	0.4	0.3	1.2	2.2	1.7	7.5
Ecol\Wtr Systm Ops Model (3406(g)(4))	Directed Research			0.8		0.5	0.1	0.4	0.4	7.0	0.6	0.6	10.4
Notes: CVPIA = Central Valley Project Improvement Act; FY = fiscal year Source: Bureau of Reclamation 2011b													

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8.3.6.1.2 California Bay-Delta Appropriations

Established in 1995, the CALFED Bay-Delta Restoration Program was a collaborative effort involving 25 state and federal agencies and representatives of California's urban, agricultural, and environmental communities (Senate Report 112-075, 2011). The mission of the CALFED program was focused on conserving and restoring the health of the ecosystem and improving water management through improvements to fish and wildlife habitat, water supply reliability, and water quality in the Bay-Delta (Bureau of Reclamation 2011c). Oversight and implementation of the program was initially the responsibility of the California Bay-Delta Authority established by the California Bay-Delta Act of 2003. In 2009, the State Legislature designated the Delta Stewardship Council as successor to the California Bay-Delta Authority's administrative rights, obligations, and duties (see Section 8.3.5.2.5, *Delta Stewardship Council*, for a discussion of the Delta Stewardship Council and its funding).

Federal participation in CALFED was initially authorized in the California Bay-Delta Environmental and Water Security Act enacted in 1996. Since CALFED was established in 1995, more than \$1.4 billion of state and federal funds have been spent for restoration activities (Senate Report 112-075 2011). CALFED funding since 1995 provides an example of a substantial commitment of funding from the federal government to support ecosystem and species restoration in the Delta of the scale necessary to support the BDCP.

The CALFED Bay-Delta Authorization Act (Title I of Public Law 108-361) was enacted in 2004. This act authorized \$389 million in federal appropriations for federal fiscal years 2005 through 2010. Authorizations in the act were extended through September 30, 2014, by the Energy and Water Development and Related Agencies Appropriations Act of 2009. It is anticipated that the CALFED Bay-Delta Authorization Act will be further extended beyond September 30, 2014. Funding continues implementation of priority activities included in the CALFED Bay-Delta Authorization Act that will work toward resolving water resource conflicts in the Bay-Delta. Funds are used for renewed federal state partnership, smarter water supply and use (including water conservation and storage projects), and the habitat restoration program.

Various activities previously funded under the California Bay-Delta Restoration Program align with numerous BDCP conservation measures. Numerous federal agencies, including Reclamation, have received funding through the California Bay-Delta Restoration appropriations.

Specifically, seven federal agencies have the authority to receive continuing California Bay-Delta Restoration appropriations (Reclamation, USACE, Natural Resources Conservation Service [NRCS], NMFS, USGS, USFWS, and EPA) to implement various programs within each agency. The Bay-Delta Restoration appropriations for each of these agencies is discussed in the sections below. All Bay-Delta Restoration appropriations sources and assumptions for potential BDCP funding are listed in Table 8-55. All Bay-Delta Restoration appropriations-related funding (for all federal agencies) is assumed to continue at the same level as fiscal year 2011 appropriations through year 40 of the permit term. For actions related to monitoring, research, and program administration, the same funding level is assumed to continue until year 50. For actions related to restoration, funding is assumed to be 25% of the 2011 appropriations amount from year 41 through year 50 of the permit term (Table 8-55).

1 **Table 8-55. Potential Funding from California Bay-Delta Restoration Appropriations, by Federal**
 2 **Agency and Associated Plan Component**

California Bay-Delta Restoration Appropriations, by Agency (listed in order of potential funding level)	FY2011 Cross-Cut Appropriation (BDGP-Related)	Potential Funding over 50-year Permit Term ^b	Allocation by Plan Component for 50-Year Permit Term ^a					
			Program Administration	Monitoring, Research, Adaptive Management, and Remedial Measures	Water Facilities and Operation (CM1, CM22)	Natural Community Protection and Management (CM3, CM11)	Natural Community Restoration (CM2, CM4–CM13)	Other Stressors Conservation (CM13–CM21)
Bureau of Reclamation								
Suisun Marsh Protection Program (W&RR)	\$ 1.5	\$63.8	-	-	-	-	\$64	-
Anadromous Fish Screen Program (PL108-361)	\$2.0	\$85.0	-	-	-	-	\$85	-
Anadromous Fish Screen Program (3406(b)(21))	\$4.0	\$170.0	-	-	-	-	\$68	\$102
BDGP Support (PL108-361)	\$6.5	\$975.0	-	-	-	-	\$300	\$675
Assessment and Monitoring Program (3406(b)(16))	\$1.3	\$65.0	-	\$65	-	-	-	-
San Joaquin River salinity management (PL108-361)	\$4.2	\$178.5	-	-	-	-	-	\$179
Delta water quality standards (PL108-361)	\$0.8	\$31.9	-	-	-	-	-	\$32
Tracy Pumping Plant mitigation (W&RR)	\$2.0	\$85.0	-	-	-	-	\$85	-
Interagency Ecological Program (W&RR)	\$6.0	\$300.0	-	\$300	-	-	-	-
Pelagic organism decline (W&RR)	\$1.8	\$90.0	-	\$90	-	-	-	-
CALFED Science Program (PL108-361)	\$4.5	\$225.0	-	\$185	-	-	-	\$40
CALFED Program Management (PL108-361)	\$2.0	\$100.0	\$100	-	-	-	-	-
Total Bureau of Reclamation	\$36.6	\$2,369.1	\$100	\$640	-	-	\$602	\$1,027
U.S. Fish and Wildlife Service								
Land acquisition	\$4.5	\$191.3	-	-	-	\$96	\$96	-

California Bay-Delta Restoration Appropriations, by Agency (listed in order of potential funding level)	FY2011 Cross-Cut Appropriation (BDCP-Related)	Potential Funding over 50-year Permit Term ^b	Allocation by Plan Component for 50-Year Permit Term ^a					
			Program Administration	Monitoring, Research, Adaptive Management, and Remedial Measures	Water Facilities and Operation (CM1, CM22)	Natural Community Protection and Management (CM3, CM11)	Natural Community Restoration (CM2, CM4–CM13)	Other Stressors Conservation (CM13–CM21)
Environmental Restoration Program administration	\$1.2	\$60.0	\$60	-	-	-	-	-
Interagency Ecological Program	\$0.2	\$10.0	-	\$10	-	-	-	-
Total U.S. Fish and Wildlife Service	\$5.9	\$261.3	\$60	\$10	-	\$96	\$96	-
U.S. Environmental Protection Agency	\$5.6	\$238.0	-	-	-	-	\$238	-
U.S. Geological Survey, Interagency Ecological Program	\$3.5	\$175.0	-	\$175	-	-	-	-
Natural Resource Conservation Service	\$2.4	\$102.0	-	-	-	-	\$102	-
National Marine Fisheries Service, Biological Opinion implementation	\$0.3	\$15.0	-	\$15	-	-	-	-
U.S. Army Corps of Engineers								
Delta islands and levees	\$0.5	-	-	-	-	-	-	-
CALFED coordination	\$0.1	-	-	-	-	-	-	-
Notes:								
^a Totals may not add due to rounding error.								
^b For all restoration and other stressors sources, assumes full funding at FY2011 levels for the first 40 years of the permit term, which corresponds to the timeline for all natural community restoration. The final 10 years is assumed to have funding at 25% of this level. BDCP Support (PL108-361) is expected to increase to \$19.5 million annually for the entire permit term (three times current levels). Other sources related to ongoing monitoring and research, program administration, or mitigation for on-going operations are assumed to continue at current levels.								
W&RR = water and related resources; PL = Public Law; FR = <i>Federal Register</i>								

1 This assumption is timed to coincide with the construction period for all natural community
2 restoration (years 1 through 40). Assumptions regarding California Bay-Delta Restoration
3 appropriations for each relevant federal agency are described below.

4 **US Bureau of Reclamation**

5 Of all of the federal agencies, Reclamation receives the majority of the California Bay-Delta
6 Restoration appropriations. At least thirteen authorities for those appropriations overlap with and
7 are expected to support BDCP program administration, monitoring and research, natural
8 community protection, natural community restoration, and other stressors conservation measures
9 (Table 8-55). Appropriations in FY2011 for Reclamation relevant to program administration or
10 monitoring and research are assumed to continue for 50 years at the same level. Appropriations in
11 FY2011 relevant to natural community protection, restoration, or other stressors are assumed to
12 continue at the same level for 40 years, then 25% of current levels for 10 years. The one exception is
13 “BDCP Support” (PL108-361), which is assumed to triple from \$6.5 million annually in FY2011 to
14 \$19.5 million annually throughout the permit term.

15 Included in Table 8-55 are Reclamation’s Water and Related Resources (W&RR) appropriations. In
16 the past, water and related resources funding has been used to support Reclamation programs
17 similar to the conservation measures although mostly not in the Plan Area to date (Bureau of
18 Reclamation 2010a). Water and related resources funding has been consistently used to support
19 Reclamation’s efforts to increase the reliability and efficiency of water delivery systems, protect and
20 restore ecosystems, and address ESA compliance. Because of the overlap in goals, the BDCP is likely
21 to be eligible for substantial funding under this program.

22 **US Fish and Wildlife Service**

23 The California Bay-Delta Restoration appropriations supports three activities relevant to the BDCP:
24 land acquisition to facilitate habitat restoration, administration of the ERP, and support for the IEP
25 for oversight of monitoring and research. Land acquisition funding is assumed to support
26 restoration conservation measures and ERP funding is assumed to support BDCP program
27 administration. Funding for the IEP is assumed to support BDCP monitoring (see Section 8.3.5.2.4,
28 *Interagency Ecological Program (State Funding)* for details).

29 **Environmental Protection Agency**

30 EPA received \$5.6 million in funding in fiscal year 2011 through the California Bay-Delta Restoration
31 appropriations that are relevant to BDCP covered activities for ecosystem restoration (Table 8-55).
32 Funding for this program is assumed to continue and to support natural community restoration
33 under BDCP.

34 **US Geological Survey**

35 USGS plays an important role in how agencies manage the water systems in the Delta. The USGS
36 California Water Science Center based at California State University, Sacramento, collects, analyzes,
37 and disseminates hydrologic data from monitoring stations throughout the Delta and the Central
38 Valley. The following Water Science Center tasks provide examples of the overlap with the
39 monitoring needs of the BDCP (Nickles and Taylor 2010).

- Maintain a network of real-time flow monitoring stations to help determine the relationships between covered species and water flows. The stations have recently been augmented to measure turbidity, an important physical variable for many covered fish species.
- Determine the causes and rates of decreased sediment supply and turbidity in the Delta, which may have implications for Delta smelt survival.
- Tag and track juvenile salmon as they move into Delta channels to better understand how flow conditions, channel geometry, and fish behavior affect salmon survival.
- Study the Delta's complex water-quality issues, including mercury, pesticides and dissolved organic carbon.

USGS received \$3.5 million in funding in fiscal year 2011 through the California Bay-Delta Restoration appropriations relevant to the BDCP (Table 8-55) to support monitoring and targeted research. Funding for this program is assumed to continue and to support BDCP-related monitoring and research needs.

National Resources Conservation Service

NRCS received \$2.4 million in funding in fiscal year 2011 through the California Bay-Delta Restoration appropriations to supplement the Wetlands Reserve Program, which is funded primarily through the Farm Bill. This program supports the acquisition of conservation easements to protect wetlands and related agricultural land, and to restore wetlands in agricultural landscapes. As described in more detail in Section 8.3.6.3.1, *Wetlands Reserve Program (NRCS)*, this program is highly relevant to the goals of BDCP. The funding level in FY2011 is assumed to continue and to support BDCP natural community restoration (Table 8-55).

National Marine Fisheries Service

NMFS received \$1.6 million in funding in fiscal year 2011 through the California Bay-Delta Restoration appropriations. Most of this funding supported oversight and implementation of the requirements of the 2009 NMSF BiOp. Because of the overlap with some BiOp actions and BDCP, an estimated \$0.3 million per year of this funding is assumed relevant to BDCP covered activities (Table 8-55). This funding level is assumed to continue and to support BDCP monitoring.

US Army Corps of Engineers

USACE received \$600,000 in funding in fiscal year 2011 through the California Bay-Delta Restoration appropriations relevant to BDCP covered activities (Table 8-55) in two program areas: Delta islands and levees, and CALFED coordination. The goal of the Delta Islands and Levees Program is to restore sustainable ecosystem functions in the Bay-Delta, improve flood risk management, and incorporate recommendations from other Delta planning efforts. The funding was authorized under House Resolution 01 June 1948; House Resolution 08 May 1964; Conference Report 108-357, accompanying the Energy and Water Development Appropriations Act of 2004 (Public Law 108-357). This authority and the USACE planning process allows for studying ecosystem restoration needs, flood risk management problems, and related water resources in the Delta, and funding projects to implement recommendations.

Federal agencies submit study and construction proposals through the federal budget process. This is a 20-month development and defense cycle, with funding provided by Congress in annual appropriations. Investigations funding is available for feasibility studies (based on annual federal

appropriations) and is cost-shared at 50% federal and 50% nonfederal. Construction funding is available for implementation projects (based on annual federal appropriations) and would likely be cost-shared at 65% federal and 35% nonfederal. Table 8-56 shows the annual appropriations to this program.

Table 8-56. Sacramento–San Joaquin Delta Islands and Levees Program Appropriations

Appropriations	Amount
Fiscal year 2008	\$859,000
Fiscal year 2009	\$478,000
	\$150,000 (Reprogrammed additional)
Fiscal year 2010	\$394,000
Fiscal year 2011	\$239,000

To date, the funding source has not funded projects similar to the BDCP. Funding could be provided by USACE for the repair and relocation of levees associated with BDCP floodplain restoration (e.g., *CM5 Seasonally Inundated Floodplain Restoration*). Congressional authorization is required for any construction projects recommended for USACE implementation. Congress would also need to appropriate funds to enable project design and construction to proceed. Because of the uncertainty of this funding source, no funding is assumed for the BDCP from this source at this time.

8.3.6.1.3 Regional Ecosystem Conservation (NMFS)

NMFS is responsible for the stewardship of the nation's living marine resource and their habitat. In support of its mission, NMFS focuses on regional ecosystem conservation. The role of NMFS in President Obama's interagency ocean policy task force is to help "establish and implement an integrated ecosystem protection and restoration strategy that is science-based and aligns conservation and restoration goals at the federal, state, tribal, local, and regional levels." NMFS recently identified the San Francisco Bay Delta region as an area within which "there is potential for [NMFS as a division of the National Oceanic and Atmospheric Administration] to play a significant role in the bay-delta restoration efforts" (National Marine Fisheries Service 2011a).

NMFS provided funding for a variety of local projects through its Office of Habitat Conservation. Table 8-57 shows NMFS allocation of funds since 2009 and the proposed allocation for 2012.

Table 8-57. NMFS Office of Habitat Conservation Funding Allocations (millions \$)

	2009 Fiscal Year (Enacted)	2010 Fiscal Year (Enacted)	2011 Fiscal Year (Enacted)	2012 Fiscal Year (Proposed)
Sustainable habitat management	\$21.0	\$22.4	\$20.9	\$22.8
Habitat conservation	\$18.4	\$18.8	\$17.3	\$19.1
Fisheries habitat restoration	\$23.0	\$28.0	\$20.8	\$30.8
Community-based restoration	\$13.1	\$18.6	\$19.0	\$23.9
Source: National Marine Fisheries Service 2011b				

1 There are no current estimates for the funding that NMFS may allocate to the San Francisco Bay
2 Area; however, other targeted regions (e.g., Chesapeake Bay, Great Lakes) have received \$1 to \$1.5
3 million per region, annually, between 2009 and 2011 (National Marine Fisheries Service 2011a).
4 The BDCP is expected to receive a similar level of funding, so it is assumed that an average of \$1
5 million per year would be available from this source for the next 10 years (\$10 million total) to help
6 fund a variety of restoration and other stressor conservation measures.

7 **8.3.6.2 New Federal Authorizations**

8 As described earlier, the Delta is an ecosystem of national significance. The Delta is also the critical
9 conveyance hub for the coordinated operation of the SWP and CVP that facilitates movement of
10 water supplies to more than 25 million people in northern California, the San Francisco Bay Area,
11 the San Joaquin Valley, the central coast, and southern California, and irrigation for over 3.3 million
12 acres of farmland. Implementation of the BDCP will address several issues of national importance
13 including large-scale ecosystem restoration, climate change adaptation, and water supply reliability
14 for the 12th largest economy in the world. An economic impact analysis of the BDCP concludes that
15 the Plan would increase California business output by over \$83.5 billion and create or preserve up
16 to 1.1 million jobs (The Brattle Group 2013). These substantial national public benefits may warrant
17 additional federal authorizations that would provide funding beyond the existing federal
18 authorizations and grant programs listed in this chapter. New federal authorizations would enable
19 federal agencies to request and receive additional appropriations to assist the State of California in
20 implementing the BDCP.

21 The BDCP Permittees intend to collaborate and seek additional federal authorizations through
22 Congress consistent with the public benefits and funding needs of the Plan. This approach is
23 consistent with other large-scale restoration programs that provide substantial public benefits
24 (Table 8-58). For example, local and state permittees for the Lower Colorado River Multi-Species
25 Conservation Plan (also an HCP) sought and obtained new federal authorizations for appropriations.
26 In 2009, Congress authorized a 50% federal cost share for the plan (Public Law 111-11, Title IX,
27 Subtitle E, Section 9401 *et seq.*) subject to future appropriations. In another example, in 2008, the
28 proponents of the three-state Platte River Restoration Program sought and received Congressional
29 authorization for appropriations for up to 50% of that large-scale restoration program (Public Law
30 110-229, Title V, Section 515 *et seq.*).

1 **Table 8-58. Federal Funding Share for Large-Scale Habitat Restoration Programs**

Restoration Program ^a	Federal Funding Share	Nonfederal Funding Share ^b	Notes
Bay Delta Conservation Plan	14%	86%	See Table 8-37 for a funding summary
Chesapeake Bay Restoration Program	27%	72% states; 1% NGOs	Cost share not prescribed. Allocation based on 2007–2011 spending.
Comprehensive Everglades Restoration Plan	50%	50%	
Puget Sound Partnership	33%	67% (state)	Rough estimate based on 2010–2012 spending
Upper Mississippi River Navigation and Ecosystem Sustainability Program	65%	35%	Allocation for ecosystem restoration; for certain projects, federal share is 100%
Missouri River Recovery Program and Missouri River Ecosystem Restoration Plan	Approx. 100%	See note	Primarily federally funded, with non-federal cost-share up to 100% depending on project location and purpose.
Great Lakes Restoration Initiative	Approx. 100%	See note	Mostly federally funded, but cost-share varies by project type.
Lower Colorado River Multi-Species Conservation Program	50%	50%	Federal agencies are responsible for all costs over \$626 million.
Upper Mississippi River Restoration - Environmental Management Program	25% or 100% (see note)	See note	Federal share 100% for fish and wildlife enhancement ^c otherwise 75% nonfederal cost share.
Upper Colorado River Endangered Fish Program	41%	59%	Based on actual contributions FY 1989–2013.
Platte River Recovery Implementation Program	50%	50%	
^a The purposes of these restoration programs varies. Of these, only the Lower Colorado River Multi-Species Conservation Program is an HCP like the BDCP. Like BDCP, these programs share a common goal of large-scale restoration for the benefit of ecosystems, listed species, and ecosystem functions of national importance. ^b Includes funding from tribes, states, local agencies, non-governmental organizations (NGOs), and private entities. ^c 100% federal cost share where there is a national benefit, benefit to a listed species, or project on a National Wildlife Refuge. NGO = nongovernment organization			

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3 **8.3.6.3 Existing Federal Grants**

4 **8.3.6.3.1 Wetlands Reserve Program (NRCS)**

5 The Natural Resources Conservation Service (NRCS), an agency of the U.S. Department of
 6 Agriculture, administers several funding programs that are relevant to BDCP implementation. The
 7 most relevant programs are the Wetlands Reserve Program and the Environmental Quality

Incentives Program, both of which are provided under the Farm Bill⁶⁶. Under the current Farm Bill (2008), the Bay-Delta region has received considerable funding. There is no guarantee, however, that the current level of funding will continue. The Farm Bill is on a 5-year cycle and available funding from these NRCS programs is dependent on continued Congressional appropriations.

The Wetlands Reserve Program provides financial and technical assistance to help landowners protect, restore, and enhance wetlands on their property. The goal of the program is to “achieve the greatest wetland functions and values, along with optimum wildlife habitat, on every acre enrolled in the program.” Over 2.3 million acres are currently enrolled in the program; however, legislation in 2008 increased the number of acres that can be enrolled to over 3 million.

The Wetlands Reserve Program offers five enrollment options: permanent easement, in which NRCS pays 100% of the easement value and up to 100% of the restoration costs; 30-year easement, in which NRCS pays up to 75% of the easement value and up to 75% of restoration costs; and restoration cost-share agreements. In addition, under the provisions of the 2008 Farm Bill, there is a reserved rights pilot option under which a landowner can reserve grazing rights to the property in approved counties as long as grazing is compatible with the wildlife habitat goals identified in the restoration plan. The grazing option has been used on vernal pool landscapes, and in intermountain wet meadows to manage for greater sandhill cranes. The restoration cost-share agreement does not require an easement, but involves an agreement for restoration or enhancement of the wetland functions and values. Under this option, NRCS pays up to 75% of restoration costs. Also, because the reserved rights pilot option allows the landowner to keep grazing rights to the property, they are paid 75% of the established per acre value for the easement.

Competition for funds under the Wetlands Reserve Program is through individual state funding allocations and partnership funding contributions are given additional points in the environmental ranking score. Traditional partners for applicants in the Bay-Delta region are the California Wildlife Conservation Board and USFWS. In 2011, projects in the Bay-Delta region received \$25 million through the Wetlands Reserve Program. All of the wetland restoration conservation measures are closely aligned with the Wetlands Reserve Program. In addition, *CM3 Natural Communities Protection and Restoration* calls for extensive acquisition of conservation easements on a variety of natural communities that support or could support wetlands and therefore could be eligible for funding under the Wetlands Reserve Program. To be eligible for Wetlands Reserve Program funds, lands would need to remain in private ownership. For the purposes of this funding analysis, it is assumed that private landowners who collaborate with the BDCP could potentially receive an average of \$2.5 million annually to support BDCP conservation easements (\$125 million total).

8.3.6.3.2 Cooperative Endangered Species Conservation Fund (USFWS)

The USFWS Cooperative Endangered Species Conservation Fund authorized under Section 6 of the ESA is likely to provide a source of grant funding for land acquisition under the BDCP to support the contribution to recovery for the terrestrial covered species. Section 6 grants cannot be used for mitigation. USFWS annually provides significant funds to local agencies implementing regional HCPs. The Section 6 grant program is divided into three funding categories: HCP Assistance (for

⁶⁶ The Farm and Ranch Lands Protection Program and the Grassland Reserve Program, both also part of the Farm Bill, also overlap with the goals of the BDCP. Although both of these programs are potential sources of funding for the BDCP, neither is discussed because of the limited amount of available funds. If these programs receive more funding from Congress in the future, they could provide additional funds for the BDCP from NRCS.

planning), HCP Land Acquisition, and Recovery Land Acquisition grants. Grants are applied for and administered by CDFW, as summarized in Table 8-59. Implementation is expected to be supported by the HCP Land Acquisition fund. Once approved, the Plan would no longer qualify for HCP planning assistance grants.⁶⁷ Recovery land acquisition grants are not associated with approved HCPs.

Table 8-59. USFWS Cooperative Endangered Species Conservation Grant Programs

Grant Program	Purpose	Species Benefiting	Applicants	Competition	Financial Match Requirement ^a
HCP Planning Assistance	To support development of HCPs	Federally listed threatened or endangered species, proposed and candidate species, and unlisted species proposed to be covered by the HCP ^b	States or territories that have entered into cooperative agreements with USFWS for endangered and threatened species conservation	National competition	25% of estimated project cost or 10% when two or more states or territories implement a joint project
HCP Land Acquisition	To acquire land associated with conservation under approved HCPs (not mitigation)	Federally listed threatened or endangered species, unlisted (including state-listed species), proposed and candidate species covered by the HCP ^b	States or territories that have entered into cooperative agreements with USFWS for endangered and threatened species conservation	National competition	25% of estimated project cost or 10% when two or more states or territories implement a joint project
Recovery Land Acquisition	To acquire habitat in support of approved recovery goals or objectives	Federally listed threatened or endangered species	States or territories that have entered into cooperative agreements with USFWS for endangered and threatened species conservation	Regional competition	25% of estimated project cost or 10% when two or more states or territories implement a joint project

Notes:

^a As required under Section 6 of the Endangered Species Act, grants to states and territories must include a minimum contribution by the project's nonfederal partners. These contributions can be in-kind, through staff time or use of nonfederal equipment, or financial assistance.

^b A species covered by the HCP is any species (listed or unlisted) that is included in the Section 10(a)(1)(B) permit, thus receiving incidental take authorization.

HCP = habitat conservation plan; USFWS = U.S. Fish and Wildlife Service

Source: Rinek pers. comm.

The HCP Land Acquisition grant provides funding to state and territories to acquire land associated with approved HCPs. The HCP Land Acquisition and HCP Land Recovery grants cannot be used to fund the mitigation required of an HCP permittee; instead, they support the land acquisitions by the state or local governments that complement mitigation.

⁶⁷ The BDCP relied on HCP planning assistance grants in 2008, 2010, 2011, 2012, and 2013.

From fiscal year 2002 through 2012, USFWS has made available over \$452 million in land acquisition funds nationally, or an average of \$41.1 million annually. Since 2002, California has received over \$200 million in land acquisition funding for approved HCPs and NCCPs, by far the largest share of any state (45% of the total, or an average of \$18.3 million annually). This is due to the state having the largest number of large-scale approved HCPs and little competition from other states. Grant awards to individual plans in California have ranged from just under \$1 million to over \$23 million; recent awards have been approximately \$6 million per plan per year. This trend is expected to continue but California's share of the funds is likely to decline as more large-scale HCPs are approved in other states.

In fiscal year 2011, HCP Land Acquisition grants awarded totaled \$28.6 million nationally. In fiscal year 2012, funding for the HCP Land Acquisition grants was cut by 48%, to \$15 million. The status of this fund in the future is uncertain.

Section 6 funding would be applicable primarily to *CM3 Natural Communities Protection and Restoration*. Section 6 funding may also apply to the land acquisition portion of restoration conservation measures (i.e., if land acquisition is needed to facilitate restoration). The BDCP is expected to be highly competitive for these grants because of the large number of federally listed species in the Plan Area and its comprehensive ecosystem approach. Based on this, the past performance of California plans, and the assumption that the fund will grow in the future to its historical funding amounts, the BDCP has the potential to receive an estimated \$50 million from Section 6 funds for CM3 over the permit term. This conservative assumption is consistent with the performance of California NCCPs of comparable size and complexity that have secured the largest amounts of Section 6 funding since 2002.⁶⁸

With respect to the Section 6 Land Acquisition grants, the BDCP will likely be competing with other regional HCPs in California, including those that overlap with the Plan Area (Chapter 1, Section 1.5, *Relationship to Other Plans in the Delta*). The Implementation Office will work with the sponsors of these regional conservation plans to encourage an increase in federal appropriations to support this program to ensure that sufficient funds are available to all eligible plans in California. The Authorized Entities will not seek Section 6 land acquisition grants unless available funding under the program exceeds the level set for fiscal year 2010 (\$40.9 million), after any successful grants received by the BDCP are deducted and after any corrections for inflation.

8.3.6.3.3 Environmental Quality Incentives Program (NRCS)

The NRCS Environmental Quality Incentives Program is designed to provide financial and technical assistance to farmers and ranchers for addressing natural resources concerns. Under this program, NRCS awards cost-share assistance to projects that provide significant environmental benefits. NRCS provides conservation practice payments to landowners under program contracts of up to 10 years. To determine which projects are allocated funds, priority natural resource concerns are identified within each state. Water quality and water quantity projects, like the BDCP, are given very high priority in California. In 2011, projects in the Bay-Delta region received \$70 million through the program.

⁶⁸ *San Diego County Multi-Species HCP/NCCP* (\$56 million in 11 years); *Western Riverside County HCP/NCCP* (\$46 million in 11 years); *East Contra Costa County HCP/NCCP* (\$33 million in 7 years).

Traditionally, under the Environmental Quality Incentives Program, individuals are limited to \$300,000 for all contracts entered into in a 6-year period and participants whose projects have been determined by NRCS to have “special environmental significance” may petition for the payment limitation to be increased to \$450,000. Despite these funding limitations, the size of the applicant project does not affect the applicability of the potential funding mechanism. Therefore, NRCS can provide funds for larger-scale projects that provide on-farm benefits.

Although NRCS does not directly fund the public and private entities who will be implementing the BDCP, NRCS may work with an agency that can provide direct funding to these entities. For example, NRCS is currently working with Reclamation on the WaterSMART program. This program provides water districts, among others, with the opportunity to leverage their money and resources by cost sharing with Reclamation on projects that save water, improve water management, create new supplies for agricultural irrigation, improve energy efficiency, benefit endangered species, and increase the capability or success rate of on-farm water conservation or water use efficiency projects. Under this program, water districts describe how the improvements will benefit end users and NRCS makes available on-farm funding. Through this joint venture, NRCS and Reclamation put forward \$5 million and NRCS gave an additional \$2 million. All funds under this program were received by entities in the Bay-Delta area. NRCS and Reclamation are planning to continue this program again in the next fiscal year. Cultivated lands acquired through conservation easements or fee-title as part of *CM3 Natural Communities Protection and Restoration* could be eligible for grant funding under this program.

NRCS could create a new partnership with other agencies that can provide money to water districts or other BDCP entities (e.g., DWR) as long as the two entities collaborate to set up a program that addresses water quality and water quantity issues and which benefits farmers directly. For the funding analysis, the BDCP is assumed to have the potential to receive an average of \$1 million annually from this program to support BDCP conservation easements (\$50 million total).

8.3.6.3.4 Land and Water Conservation Fund

The Land and Water Conservation Fund was established by Congress in 1965 to receive a portion of receipts from offshore oil and gas leases be placed into a fund annually for state and local conservation, as well as for the protection of national treasures (parks, forest, and wildlife areas). The fund has been the principal funding source for federal land acquisitions for conservation and recreation purposes since 1965. The Bureau of Land Management, USFWS, the National Park Service, and the U.S. Forest Service all receive funds from the Land and Water Conservation Fund. The fund also serves as a major source of state and local funding for land acquisition and development of public outdoor recreation resources through a state matching grant program. Funding for the program has remained flat since at least 2002. In fiscal year 2011, the fund was allocated \$301 million for land acquisition nationwide. Allocations nationwide in past years have been as low as \$138 million (fiscal year 2007) and as high as \$536 million (fiscal year 2001).

The State Wildlife Grant Program is funded annually with an appropriation from Congress through the Land and Water Conservation Fund. The goal of the grant program is to conserve wildlife and their habitats. Grants are available to states and territories and are intended for developing and implementing programs that benefit fish and wildlife species at risk and their habitats. The grant program provides states with funds to address the conservation needs of nongame species, including reptiles, amphibians, and invertebrates. Priority is placed on projects that benefit species of greatest conservation concern. Grant funds must be used to address conservation needs, such as

research, surveys, species and habitat management, and monitoring, identified within a state's comprehensive wildlife conservation plan or strategy.

The State Wildlife Grant Program of the Land and Water Conservation Fund may fund land acquisition with *CM3 Natural Communities Protection and Restoration*. Over the history of the fund, western states have received the majority of the funding because federal land is much more common in the west. California has received an average of approximately \$50 million annually over the 45-year life of the fund, although less in recent years due to declining funding allocations. The BDCP is expected to be competitive for this funding. The funding plan assumes that the BDCP has the potential to receive \$25 million over the permit term for CM3.

8.3.6.3.5 National Coastal Wetlands Conservation Grant Program (USFWS)

The National Coastal Wetlands Conservation Grant Program was established by Title III of Public Law 101-646, Coastal Wetlands Planning, Protection and Restoration Act of 1990. Under this program, USFWS provides matching grants to states for acquisition, restoration, management, or enhancement of coastal wetlands.

Eligible applicants are any state agency or entity designated as eligible by the governor of a coastal state. The following California agencies have been designated as eligible to apply for program grants: State Coastal Conservancy, Wildlife Conservation Board, Rivers and Mountains Conservancy, California Conservation Corps, California Natural Resources Agency, Department of Fish and Game, Santa Monica Mountains Conservancy, San Diego River Conservancy, and the California Coastal Commission.

The following activities are eligible for grants.

- Acquisition of a real property interest in coastal lands or waters from willing sellers or partners (coastal wetlands ecosystems), providing that the terms and conditions will ensure the real property will be administered for long-term conservation.
- The restoration, enhancement, or management of coastal wetlands ecosystems, providing restoration, enhancement, or management will be administered for long-term conservation.

Typically, between \$13 million and \$17 million in grants are awarded annually through a nationwide competitive process. In the last four fiscal years (fiscal years 2008 through 2011), California received an average of \$3.7 million annually. In fiscal year 2012, the grant program will fund 24 individual projects in 13 states encompassing nearly 13,950 acres of coastal habitat. USFWS expects that approximately \$17.5 million will be available for grants in fiscal year 2013.

The Coastal Wetlands Planning, Protection and Restoration Act of 1990 provides that projects meeting certain criteria will be given priority. The following criteria are consistent with the BDCP.

- Consistent with the National Wetlands Priority Conservation Plan.
- Located in states with dedicated land acquisition programs.
- Benefitting threatened and endangered species, promoting partnerships, and supporting conservation and recovery programs.

The program will not provide grants to support planning, research, monitoring activities, or construction or repair of structures for recreational purposes. Awards typically range from \$200,000 to a maximum of \$1 million. The BDCP is expected to be competitive for grants through

this program for a variety of conservation measures, but funding levels will likely be modest due to limited annual funding amounts. Based on the trends in funding nationally and in California, the BDCP assumes receipt of up to \$5 million over the permit term, or five awards of the maximum \$1 million amount.

8.3.6.3.6 Restoration Partnership Grants (NMFS)

NOAA's Restoration Center national and regional partnership grants provide funding for multiyear national and regional habitat restoration partnerships that will result in the implementation of habitat restoration projects, including watershed-scale projects that yield significant ecological and socioeconomic benefits. Through these partnerships, the NOAA Restoration Center is able to leverage funds and effort for restoration through match and in-kind contributions. The NOAA Restoration Center has successfully funded this program for over 20 years (National Marine Fisheries Service 2011e).

Partnerships are granted in 3-year cycles with typical partnership awards ranging from \$500,000 to \$1 million. Approximately \$10 million is available through this program annually (National Marine Fisheries Service 2011e). The program is currently funding 18 national and regional partnerships in the current 3-year funding cycle. Organizations funded through this program that could support BDCP conservation measures that contribute to species recovery (i.e., not mitigation) include American Rivers, The California State Coastal Conservancy, Ducks Unlimited, The Nature Conservancy, Restore America's Estuaries, and Trout Unlimited (National Marine Fisheries Service 2011f).

NMFS priority partnership selection criteria that will likely be met by the BDCP are listed below (National Marine Fisheries Service Funding Announcement 2009).

- Significant ecological and societal benefits (e.g., job creation).
- Demonstration of sound science support for restoration.
- Accountability through specific goals and outcomes.
- Cost-effective use of funds and matching.

The conservation measures that would likely be most applicable to the partnership grants include *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and other conservation measures that directly benefit covered fish such as *CM15 Localized Reduction of Predatory Fishes*. The BDCP has the potential to secure NMFS partnership grants at an estimated average of \$500,000 annually for 20 years (\$10 million total).

8.3.6.3.7 Estuary Habitat Restoration Projects (NMFS)

The Estuary Restoration Act of 2000 makes restoring estuaries a national priority. Although USACE was originally the only member agency authorized to receive funding for project implementation under the act, amendments in 2007 authorized NOAA to receive appropriations of \$2.5 million per year to carry out restoration projects. The amendments also authorized monitoring costs associated with a funded project to be included in the total cost of the project (National Marine Fisheries Service 2011c).

NMFS solicits proposals for estuary habitat restoration projects that "achieve cost-effective restoration while prompting partnerships among agencies and between public and private sectors."

Eligible applicants include, among others, state and local governments, and nonprofit organizations. Funding awards range from \$100,000 to \$1 million (National Marine Fisheries Service 2011c).

NMFS first considers projects that meet the following criteria.

- Are designed to address projected climate change impacts.
- Occur in a watershed where there is a program being implemented that addresses sources of pollution and other activities that otherwise would adversely affect the restored habitat.
- Include pilot testing or demonstration of an innovative technology or approach having the potential to achieve better restoration results than conventional technologies, or comparable results at lower cost in terms of energy, economics, or environmental impacts (National Marine Fisheries Service 2011d).

NMFS can allocate funds in excess of its appropriated funding amount of \$2.5 million through cost-share agreements with USACE or a cooperative agreement with USACE or NOAA, subject to availability of funds. In 2011, NMFS allocated \$7 million among estuary restoration projects (National Marine Fisheries Service 2011d). To date, no projects have been funded in California.

Based on the goals of the Estuary Restoration Act and the projects in other states funded to date, the conservation measures that would likely be most applicable to this program include *CM2 Yolo Bypass Fisheries Enhancement*, *CM4 Tidal Natural Communities Restoration*, and *CM5 Seasonally Inundated Floodplain Restoration*. Other restoration conservation measures may also qualify. Because the goals of the BDCP align well with the goals of the Estuary Restoration Act and this funding program, the BDCP is expected to be highly competitive for these grants. Assuming this program is funded for another 10 years, the BDCP has the potential to secure an average of \$500,000 annually (\$5 million total).

8.3.6.3.8 San Francisco Bay Area Water Quality Improvement Fund (EPA)

EPA administers or has administered several grant programs that overlap in purpose with BDCP implementation. The only currently active grant program that is relevant to the BDCP is the San Francisco Bay Area Water Quality Improvement Fund⁶⁹.

The San Francisco Bay Area Water Quality Improvement Fund is a competitive grant program with the goal of protecting and restoring the San Francisco Bay and its watershed. Congress has been funding the program, which is administered by EPA, since 2008. Since the inception of the fund, EPA has awarded over \$20 million through 10 grants to 38 projects. In the future, awards will range in amount from \$500,000 to \$2 million over a 4-year period. Successful applications must demonstrate results concerning one or more of the following San Francisco Bay water quality priorities.

- Protecting and restoring habitat, including riparian corridors, floodplains, wetlands, and the Bay.
- Reducing polluted run-off from urban development and agriculture.

⁶⁹ In 2008, EPA administered the West Coast Estuaries Initiative for the California coast, which provided \$5 million to conserve, restore, and protect the water quality, habitat, and environment of California coastal waters, estuaries, bays and near shore waters through comprehensive approaches to water quality management. Although funding for this program was not renewed, it demonstrates that EPA may periodically provide funding for implementation beyond the sources described.

- Implementing TMDL standards and watershed plans to restore impaired water bodies.

An example of a funded project similar to the BDCP is the Dutch Slough Restoration Project in Contra Costa County. This project is in the Plan Area and in the West Delta ROA. In 2011, EPA provided \$1.4 million to help fund this tidal marsh restoration project. Although the San Francisco Bay Area Water Quality Improvement Fund is limited in use to nine counties in the Bay Area, BDCP restoration projects in Solano County (Suisun Marsh) and Contra Costa County (Dutch Slough) will qualify because they occur in one of the Bay Area counties authorized for funding.

At a minimum, the following conservation measures are aligned with the focus of this fund and would likely be eligible for funding: *CM4 Tidal Natural Communities Restoration*, *CM5 Seasonally Inundated Floodplain Restoration*, *CM6 Channel Margin Enhancement*, *CM7 Riparian Natural Community Restoration*, and *CM10 Nontidal Marsh Restoration*.

The lifespan of this fund is unknown. For the purposes of the funding analysis, the BDCP has the potential to receive at least \$5 million from this fund.

8.3.6.4 Other Federal Funding Sources

8.3.6.4.1 Federal Loan Guarantees for Multiple Species Habitat Conservation Plans

A bill was introduced in Congress in June 2013 by Senator Dianne Feinstein that would provide federal loans or create federal loan guarantees for public agencies that buy land for habitat conservation as long as the plans support transportation and infrastructure efforts. This proposed program, called the Infrastructure Facilitation and Habitat Conservation Act of 2013, would operate in the U.S. Treasury, with input from the U.S. Departments of Interior and Commerce. If signed into law, the Secretary of the Treasury would be tasked with soliciting loan applications for HCPs once every calendar year. The Secretary of the Interior would evaluate the loan applications based on the following criteria.

- The HCP eligibility status under Section 10 of the ESA.
- The likelihood that the HCP habitat acquisition program will be completed.
- Whether the HCP contemplates the mitigation of infrastructure projects.

The Secretary of the Treasury would evaluate the following elements.

- Financial soundness and sustainability of the HCP.
- Ability to be repaid by the public entity requesting the loan.
- Any other factor deemed appropriate.
- Recommendations from the Secretary of the Interior.

The bill does not specify a dollar amount to be appropriated for this loan program, which has a 10-year sunset clause. If signed into law, this loan and loan guarantee program could provide the BDCP with loans early in the permit term that would facilitate land acquisition from willing sellers for the reserve system (*CM3 Natural Communities Protection and Restoration*) and when necessary to enable natural community restoration until funding sources were available later in the permit term. This program would not provide new funding, so this funding plan does not assume this is a potential funding source.

8.3.7 Other Funding Sources

8.3.7.1 Interest Income

The BDCP is expected to gain limited income from interest on revenue not yet spent. The interest estimate assumes that the fund balances will earn an average interest rate of 2.2%. Future interest rates are uncertain; however, this may be a somewhat conservative assumption. The average apportionment yield rates earned on the State of California Investment Pooled Money Investment Account-Surplus Investment Fund balances averaged 2.2% over the 10-year period of 2002 through 2011. During this 10-year period, the highest quarterly rate was 5.2% in 2007 and the lowest was 0.38% in 2011 (California State Controller's Office 2012).

The monetary income from water contractor debt service is estimated to be on average approximately \$1.1 billion annually from 2021 through 2055. Agencies often hold operating reserve balances equal to approximately 20% of their annual revenue. Thus, it is estimated that the Implementation Office or its designee would hold 20% of the annual revenue from water contractor debt service in an operating reserve, on average approximately \$220 million per year. (The BDCP assumes no interest generated from grant funds due to the typical requirement to spend grants immediately.) Using this assumption, interest income from nongrant revenue is estimated to be \$4.8 million per year, and approximately \$164.6 million over the 34-year period of applicable debt service.

8.3.7.2 Endowment

An endowment is a method used to generate annual management funding over long time horizons. The endowment is an interest-bearing account in an amount sufficient to generate enough yearly income to fund annual project management. Because only the interest is available for use and the principal is not withdrawn, an endowment is *nonwasting*, providing a perpetual source of funding. An endowment may be funded upfront or in increments.

According to Senate Bill 1094 filed in September 2012, if a state or local agency authorizes nonprofit organizations to hold lands or natural resources created for mitigation purposes, the state or local agency may require an administrative endowment from the project proponent for costs associated with reviewing qualifications, approving holders, and regular oversight of compliance and performance. The state or local public agency may also require project proponents to provide a separate account managed by the state or a third party that will provide for initial management costs while the endowment matures. The state managed approach deposits funds in the state treasury special deposit fund and the state reimburses the third-party land managers for annual expenses from the endowment interest earnings. The third-party approach allows a state approved entity to hold and manage endowment funds. Interest earnings on the department are disbursed directly by the third party to land managers for land management purposes.

At the end of the permit term, certain management and administrative costs will continue *in perpetuity*. It is assumed these costs will be paid from a nonwasting endowment that will be funded over the course of the permit term. Interest from the fund will be used for ongoing management and administrative costs following the end of the permit. Costs to be paid from the endowment include ongoing costs for preserve management, administration, and land use monitoring. Endowment costs are assumed to end in year 50.

The annual rate of return on the endowment funds affects the availability of annual funds: the lower the rate earned on endowment funds, the higher the initial principal endowment costs. Under *CM11 Natural Communities Enhancement and Management*, an endowment will be established for post-permit term costs of CM3 through CM10. The endowment is to provide funding for the costs of land management and limited monitoring following the 50-year permit term for these conservation measures (estimated at an average of \$7.6 million per year). Endowment funding assumes an average annual nominal rate of return of 4.4%—consistent with a conservatively invested portfolio of bonds and T-bills—and an average annual inflation rate of 2.1%. For the BDCP, annual funding for the endowment is expected to come from the water bonds,⁷⁰ the state and federal water contractors, and federal contributions to the BDCP.

8.3.7.3 State Tax Credit for Donation of Conservation Lands

The Natural Heritage Preservation Tax Credit Act of 2000 (Public Resources Code 37000 *et seq.*) protects wildlife habitat, parks and open space, archaeological resources, and agricultural land and water by providing state tax credits for donations of qualified land in fee title or conservation easement.⁷¹ The program has been extended twice. The current authorization extends until June 30, 2015. To date, \$48.2 million in tax credits have been approved under the program. The BDCP could benefit from this program, if extended further, by cost-sharing land acquisition with the federal government. Future bonds would provide funding for the state portion of the tax credit. Eligible donors would also be able to deduct the full value of land as a tax deduction from the federal government, for up to 60% of the value of the land. Using this method, the BDCP could save up to 60% on the cost of land acquisition for protection (CM3) or restoration purposes (CM4 to CM10). The amount of this savings is unknown, so no amount is assumed as part of the funding strategy.

8.4 Funding Assurances

As shown in Table 8-37, funding sources are expected to meet all anticipated costs of the BDCP. The potential funding sources described in this chapter have been estimated conservatively. That is, costs may be lower than estimated, or actual funding from state and federal sources may exceed these projections. For example, actual funding from the 2014 state water bond may exceed projected amounts. Specific funding assurances from the state and federal water contractors are described in Section 8.3.4.4, *Funding Assurances from Participating State and Federal Water Contractors*. As such, adequate funding to implement the BDCP has been assured.

The Implementation Office will annually evaluate the performance of the funding mechanisms and, notwithstanding other provisions of the Plan, will develop any necessary modifications to the funding mechanisms to address additional funding needs (such review would be included in the Annual Progress Report, Five-Year Implementation Plan, and Five-Year Comprehensive Review). Additionally, this annual evaluation will include an assessment of the funding plan and anticipate funding needs over the next several years to identify any potential deficiencies in cash flow. If deficiencies are identified through this evaluation, then the Implementation Office will develop strategies to address any additional funding needs consistent with the terms and conditions of the

⁷⁰ California Water Code Section 79044 allows state grants to be used for “trust funds” to pay for maintaining land as long as the amount of the trust fund does not exceed 20% of the amount paid for the land acquisition.

⁷¹ See <http://www.wcb.ca.gov/Tax> for details.

BDCP. This section discusses potential causes of additional funding needs and how these needs will be addressed.

8.4.1 Additional Funds Needed for Restoration, Management, or Monitoring

The costs of restoration, management, and monitoring assumed contingencies in their estimates of 20, 10, and 20%, respectively. These contingency assumptions are designed to account for potential increases in costs unrelated to inflation. However, despite these assumptions, costs may still exceed estimates. If costs of restoration, management, or monitoring are predicted to exceed revenue on a long-term basis, then the Implementation Office will consider the following actions.

- Funding sources will be adjusted to cover the costs of management, monitoring, or restoration without jeopardizing other components of implementation.
- New funding sources will be identified to supplement existing funding, consistent with regulatory assurances provided.
- Endowment funds may be advanced on a short-term basis to maintain the restoration, management, or monitoring program requirements of the Plan.
- Management, restoration, or monitoring actions may be deferred until funding sources are available as long as Plan requirements are still met, including the rough proportionality standard described in Chapter 6, *Plan Implementation*.
- Adjust management or monitoring activities consistent with the goals of the Plan.

As described in Chapter 3, Section 3.6, *Adaptive Management and Monitoring Program*, the monitoring and adaptive management program may identify that some conservation measures are more effective than others at achieving the biological goals and objectives of the Plan. In this case, it may be warranted to increase the effort or accelerate the timing of some conservation measures over others. Decisions made through the adaptive management and monitoring program may result in alterations to the implementation costs and funding allocations described in this chapter, and such changes would be described in the Annual Workplan and Budget, Five-Year Implementation Plan, Five-Year Comprehensive Review and any Plan amendment documentation.

For example, it may be more effective to improve survival of covered fish species to invest in more aggressive control of IAV (e.g., CM13). If other conservation measures are found to be less effective in achieving the same biological goals and objectives, funding for less effective conservation measures could be reallocated to more effective conservation measures, within the requirements of the funding sources (e.g., grant requirements). Another example is the potential to provide additional funding for outflows in exchange for funding for habitat restoration if outflows are found to be much more effective at conserving the covered species than tidal wetland restoration.

Some changes may require a minor or major amendment to the BDCP. See Chapter 6, *Plan Implementation*, for rules regarding changes to the Plan.

8.4.2 Actions Required in the Event of a Shortfall in State or Federal Funding

The Plan participants have committed to provide substantial resources to ensure the proper implementation of the Plan. One goal of this chapter is to demonstrate that this funding will be adequate for such purposes and will be forthcoming. However, in the unanticipated event of a shortfall in state or federal funding, the Implementation Office will make reasonable adjustments to expenditures to continue to meet the obligations of the Plan. If these adjustments are inadequate to meet Plan requirements, the Implementation Office will confer with the fish and wildlife agencies to identify alternative courses of action. Actions that may be considered to address such shortfalls include adjusting the scope of the Plan in proportion to the public funding shortfall. Such actions may focus initially on the terrestrial components of the Plan and would be incorporated into the Plan through the major amendment process described in Chapter 6, Section 6.5, *Changes to the Plan or Permits*. The Authorized Entities will not be required to provide land, water, or monetary resources beyond their commitments in this Plan in the event of a shortfall in state or federal funding.

8.4.3 Funding for Management and Monitoring After the Permit Term

After the permit term, all of the Authorized Entities are obligated to continue to protect, manage, and maintain the reserve system. This includes adaptive management and monitoring at a level sufficient to determine whether management is effective. Other obligations, however, disappear after the permit term. For example, preservation, enhancement, and restoration obligations will be completed prior to the end of the permit term and will not continue after the permit term expires. Remedial measures and contingency also no longer need to be funded after the permit term.

Annual costs for activities after the permit term are estimated at \$7.6 million per year (2012 dollars). Costs include preserve management, program administration, monitoring, and legal defense of easements. Actual long-term costs may be lower if the Implementation Office can develop streamlined procedures for management and monitoring during the permit term or reduce administrative costs. Responsibility for funding long-term management and monitoring rests solely with the Authorized Entities.

Funding provided by interest on the endowment is expected to fully fund post permit costs. Any shortfalls in the endowment during the permit term will be identified by the 5-year funding assessments conducted by the Implementation Office. If the endowment is not growing fast enough to reach its target size, then the Implementation Office must make up the shortfall through additional funding sources. With these built-in safeguards in the endowment, post-permit funding is expected to be adequate to offset post-permit costs of management and monitoring.

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From: Tom Birmingham
Sent: Monday, April 14, 2014 10:57 AM
To: 'John Harris'
CC: 'Don Devine'; 'Dave Wood'; 'Don Peracchi'; 'Sarah Woolf'
Subject: RE: Feinstein Statement on Drought Legislation

John,

All of the District's DC representatives, Denny Rehberg, David Bernhardt, Joe Findaro, and Catherine Karen, have been working with republican members of the Senate on this issue. Dennis Cardoza, who represents the San Luis & Delta-Mendota Water Authority, has also been engaged. I spent several days in DC over the last two weeks meeting with Members of Congress on both sides of the Hill.

The consistent message we received from republican senators is that they support Senator Feinstein's efforts to provide operational flexibility, but they are concerned with elements of her legislation that would increase authorized funding for existing federal programs. We met several times with Senator Feinstein to relate the information obtained from republican senators. She is also working directly with many members of the Senate.

Tom

-----Original Message-----

From: John Harris [<mailto:JohnHarris@HarrisFarms.com>]
Sent: Monday, April 14, 2014 7:21 AM
To: tbirmingham@westlandswater.org; Don Peracchi; Lisa Woolf
Cc: Don Devine; Dave Wood
Subject: FW: Feinstein Statement on Drought Legislation

Western Growers is working on this (I am on their board and chair of their legislative committee). Here's some feedback I got from Dennis Nuxoll, he works as one of the WGA advocates in DC.

Who all does WWD and related water entities have on it and what sort of reports are they giving? I do think we can also collectively pull in some of the banks and equipment firms, along with all the other various trade associations.

Any thoughts?

-----Original Message-----

From: Dennis Nuxoll [<mailto:dnuxoll@WGA.COM>]
Sent: Monday, April 14, 2014 7:02 AM
To: John Harris
Cc: Ken Barbic; Dave Puglia; Tom Nassif (tnassif@wga.com)
Subject: Re: Feinstein Statement on Drought Legislation

John

I think Inhofe cut a deal late last week with Feinstein. He in turn was supposed to try and get Kansas and Nebraska senators. That looks like 3 on your list- Roberts, Moran and Johanns. I assume Inhofe can work on coburn.

Flake and McCain are being worked on we should be able to secure them for cloture. I spoke with senator Chambliss on Thursday he is a yes and helping. Heller is a yes and helping to try and secure others.

Sent from my iPhone

On Apr 14, 2014, at 1:44, "John Harris" <JohnHarris@HarrisFarms.com<<mailto:JohnHarris@HarrisFarms.com>>> wrote:

Keep in mind. Any further ideas?

From: John Harris
Sent: Sunday, April 13, 2014 9:58 PM

To: Peterson, James (Feinstein)
Cc: Nassif, Tom (tnassif@wga.com<<mailto:tnassif@wga.com>>); Tom Birmingham (tbirmingham@westlandswater.org<<mailto:tbirmingham@westlandswater.org>>)
Subject: RE: Feinstein Statement on Drought Legislation

Republican Senators that we may be able to help on would include—

Barrasso
Boozman
Chambliss
Coburn
Cochran
Cornyn
Flake
Heller
Inhofe
Heller
Johanns
McConnell
Moran
Roberts
Rubio
Thune

These are mainly ones that have been talked to over the last few years on the water issue, and most have been out here at some point.

Let me know what I need to do. I assume some of these may be back in their state for the Easter break, and we can also get people we know from their states to contact them.

From: Peterson, James (Feinstein) [mailto:James_Peterson@feinstein.senate.gov]
Sent: Friday, April 11, 2014 11:18 AM
To: John Harris
Subject: RE: Feinstein Statement on Drought Legislation

Thanks for the email John. Can you give me a sense of which Senators you/your contacts have a relationship so I can advise you on whether I think it would be helpful to reach out to them?

James Peterson
Legislative Assistant
U.S. Senator Dianne Feinstein
331 Hart Senate Office Building
Washington, D.C. 20510
Tel (202) 224-3841
Fax (202) 228-3954

From: John Harris [<mailto:JohnHarris@HarrisFarms.com>]
Sent: Friday, April 11, 2014 12:34 AM
To: Peterson, James (Feinstein)
Cc: Abajian, Shelly (Feinstein); tnassif@wga.com<<mailto:tnassif@wga.com>>; Dave Puglia
Subject: RE: Feinstein Statement on Drought Legislation

I want to do anything I can to accumulate the 60 needed votes on this. Let me know any Senator that would be particular swing. We have lots of good Senate contacts via ag, beef, food processing, vendors, customers, and friends, and think we may be able to help. The bill is so obvious that getting votes for it for closure shouldn't be a big deal, but as we know, nothing is never easy.

This whole region is very thankful to Dianne for her leadership role on this vital issue.

From: Peterson, James (Feinstein) [mailto:James_Peterson@feinstein.senate.gov]
Sent: Thursday, April 10, 2014 12:54 PM

To: Peterson, James (Feinstein)
Subject: Feinstein Statement on Drought Legislation

<image001.png><<http://feinstein.senate.gov/>>
For Immediate Release
April 10, 2014

Contact: Tom Mentzer
(202) 224-9629

Feinstein Statement on Drought Legislation

Washington—On February 11, Senator Dianne Feinstein (D-Calif.) introduced the California Emergency Drought Relief Act with Senators Barbara Boxer, Jeff Merkley and Ron Wyden. The bill included provisions to help farmers, businesses and communities suffering from devastating drought conditions.

In order to address Republican concerns, on April 1 a revised, bipartisan bill was introduced that removed direct spending from the bill and included provisions to help other Western states.

Senator Feinstein released the following statement on the legislation:

“Any drought bill will require 60 votes to move through the Senate. Since the bill was first introduced in February, my staff has worked around the clock to find five Republican votes necessary to reach that number. We are very close to 60, but we’re not there yet.

“After speaking with 25 Republican senators, only some have agreed to vote for cloture on the bill. To my colleagues who have not agreed to support cloture, I call on them to agree to do so. In times of disaster, the Senate has set aside its differences, come together and worked to help the country. This is such a time.

“More than 800,000 acres of California farmland will likely be fallowed. California’s economy faces a \$7.5 billion hit. More than 15,000 jobs related to the agriculture industry are at risk. Food prices across the country will increase. This is an emergency, and this bill deserves a vote.

“To my Republican colleagues who have agreed to support cloture, I thank you. To the rest, please join this effort and help get this bill passed so we can work with the House on a final agreement.”

###

James Peterson
Legislative Assistant
U.S. Senator Dianne Feinstein
331 Hart Senate Office Building
Washington, D.C. 20510
Tel (202) 224-3841
Fax (202) 228-3954

From: Feinstein Press
Sent: Thursday, April 10, 2014 3:38 PM
Subject: Feinstein Statement on Drought Legislation

From: Deborah Smith

Sent: Monday, April 14, 2014 11:08 AM

To: Michelle Fowler; bwright@friendsoftheriver.org; mjatty@sbcglobal.net; akeats@biologicaldiversity.org; michael@brodskylaw.net; svolker@volkerlaw.com; dgarrett@volkerlaw.com; mbeichenberg@volkerlaw.com; lpappone@volkerlaw.com; dohanlon@kmtg.com; rakroyd@kmtg.com; eleeper@kmtg.com; Jon.Rubin@SLDMWA.Org; andrea@pioneerlawgroup.net; jeffrey@pioneerlawgroup.net; cmanson@westlandswater.org; Gregory.Wilkinson@bbklaw.com; Charity.Schiller@bbklaw.com; Melissa.cushman@bbklaw.com; syamamoto@valleywater.org; afulcher@valleywater.org; bbrunick@bmblawoffice.com; lmcclhaney@bmblawoffice.com; mscully@mwdh2o.com; akear@mwdh2o.com; lmasouredis@mwdh2o.com; rhorton@mwdh2o.com; sherum@herumcrabtree.com; john.luebberke@stocktongov.com; smorris@swc.org; tkeeling@freemanfirm.com; ngmplcs@pacbell.net; dantejr@pacbell.net; dampc@pacbell.net; jherrlaw@aol.com; dean@hpllp.com; osha@semlawyers.com; jherrlaw@aol.com; Jean@pioneerlawgroup.net; Kathryn.Millsap@bbklaw.com; Keri Spaulding; Kim Lahn; Leticia Silva; mrosado@valleywater.org; rhowze@biologicaldiversity.org; triaz@friendsoftheriver.org; Tammy.Ingram@bbklaw.com; twhitman@kmtg.com; trobancho@freemanfirm.com; ZAfable@mwdh2o.com; Dan Siegel; Christie Vosburg; Patrick M. Soluri (patrick@semlawyers.com)

Subject: RE: Delta Stewardship Council Cases

Attachments: 2_Delta_Plan_Admin_Record_Index_Section_ALL SECTIONS.pdf

Osha,

Please find attached a combined index of all the sections. Note that it is not hyperlinked and does not yet have the header across each page. However, it is searchable. The hyperlinked, final combined index will be provided in the final certified record. However, we thought it would be helpful to provide you with this searchable index now.

Thank you,

Debbie

From: Michelle Fowler

Sent: Thursday, April 10, 2014 1:40 PM

To: bwright@friendsoftheriver.org; mjatty@sbcglobal.net; akeats@biologicaldiversity.org; michael@brodskylaw.net; svolker@volkerlaw.com; dgarrett@volkerlaw.com; mbeichenberg@volkerlaw.com; lpappone@volkerlaw.com; dohanlon@kmtg.com; rakroyd@kmtg.com; eleeper@kmtg.com; Jon.Rubin@SLDMWA.Org; andrea@pioneerlawgroup.net; jeffrey@pioneerlawgroup.net; cmanson@westlandswater.org; Gregory.Wilkinson@bbklaw.com; Charity.Schiller@bbklaw.com; Melissa.cushman@bbklaw.com; syamamoto@valleywater.org; afulcher@valleywater.org; bbrunick@bmblawoffice.com; lmcclhaney@bmblawoffice.com; mscully@mwdh2o.com; akear@mwdh2o.com; lmasouredis@mwdh2o.com; rhorton@mwdh2o.com; sherum@herumcrabtree.com; john.luebberke@stocktongov.com; smorris@swc.org; tkeeling@freemanfirm.com; ngmplcs@pacbell.net; dantejr@pacbell.net; dampc@pacbell.net; jherrlaw@aol.com; dean@hpllp.com; osha@semlawyers.com; jherrlaw@aol.com; Jean@pioneerlawgroup.net; Kathryn.Millsap@bbklaw.com; Keri Spaulding; Kim Lahn; Leticia Silva; mrosado@valleywater.org; Michelle Fowler; rhowze@biologicaldiversity.org; triaz@friendsoftheriver.org; Tammy.Ingram@bbklaw.com; twhitman@kmtg.com; trobancho@freemanfirm.com; ZAfable@mwdh2o.com; Dan Siegel; Christie Vosburg; Deborah Smith; Patrick M. Soluri (patrick@semlawyers.com)

Subject: Delta Stewardship Council Cases

Attached please find a letter from DAG, Deborah Smith, dated today's date.

Should you have any trouble opening said attachment, please contact me.

Thank you.

Michelle Fowler

Legal Secretary

Office of the Attorney General

1300 I Street

Sacramento, CA 95814

Office: (916) 322-1378

Fax: (916) 327-2319

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Judicial council coordination proceeding No. 4758, consisting of: San Luis Delta Mendota Water Authority and Westlands Water District v. Delta Stewardship Council (Sacramento Superior Court No. 34-2013-80001500) State Water Contractors, et al. v. Delta Stewardship Council (Sacramento Superior Court No. 34-2013-80001530) North Coast Rivers Alliance, et al. v. Delta Stewardship Council (Sacramento Superior Court No. 34-2013-80001534) California Water Impact Network, et al. v. Delta Stewardship Council (San Francisco Superior Court No. CPF-13-513047) Central Delta Water Agency, et al. v. Delta Stewardship Council (San Francisco Superior Court No. CPF-13-513048) Save the California Delta Alliance v. Delta Stewardship Council (San Francisco Superior Court No. CPF-13-513049) City of Stockton v. Delta Stewardship Council (San Joaquin Superior Court No. 39-2013-00298188)							
Delta Plan and Delta Plan Program EIR Administrative Record Detailed Index - Complete							
Record Section	Bates Number	DOCUMENT TITLE/TOPIC	DATE	DVD #	Comments		
A. NOTICE OF DETERMINATION							
A	A000001	Notice of Determination Signed by Office of Planning and Research; Fish and	May 17, 2013				
B. PROJECT APPROVED RESOLUTIONS; FINAL APPROVED DELTA PLAN							
B	B000001	Resolution 2013-2 Approval and Adoption of Final Delta Plan (signed)	May 16, 2013				
B	B000003	Adopted Delta Plan - Redline	May 13, 2013		Redline version (compared to Nov 2012 version) as adopted by Council		
B	B000389	Adopted Delta Plan - Errata	May 16 - 17, 2013				
B	B000415	Final Adopted Delta Plan - Clean Version					
B	B000789	Adopted Delta Plan Appendices - Redline	May 13, 2013		Redline version (compared to Nov 2012 version) as adopted by Council		
B	B001153	Final Adopted Delta Plan - Appendices - Clean Version					
B	B001457	Resolution 2013-3 Adoption of the Regulations Implementing the Delta Plan (signed)	May 17, 2013		Not part of Admin Record for Delta Reform Act claims; relevant to CEQA claims only		
B	B001459	May 2013 Final Delta Plan Regulations Approved for OAL Submittal	May 17, 2013		Not part of Admin Record for Delta Reform Act claims; relevant to CEQA claims only		
C. CEQA FINDINGS; STATEMENT OF OVERRIDING CONSIDERATIONS							
C	C000001	Resolution 2013-1 Certification of the PEIR on the Delta Plan; Adoption of Findings, and a Statement of Overriding Considerations, Mitigation Measures, and Mitigation Monitoring and Reporting Program	May 16, 2013				
C	C000004	California Environmental Quality Act Findings and Statement of Overriding Considerations for the Delta Plan - (Attachment 1 to Resolution 2013-1)	May 16, 2013				

C	C000103	Findings Revision #1 (May 14, 2013) to California Environmental Policy Act (CEQA) Findings and Statement of Overriding Consideration for the Delta Plan - (Attachment 1a to Resolution 2013-1)	May 14, 2013				
C	C000105	Findings Revision #2 (May 14, 2013) to California Environmental Policy Act (CEQA) Findings and Statement of Overriding Consideration for the Delta Plan - (Attachment 1b to Resolution 2013-1)	May 16, 2013				
C	C000106	Delta Plan Mitigation and Monitoring Reporting Program (Attachment 2 to Resolution 2013-1)	May, 2013				
D. PEIRs: FINAL PEIR (AND ERRATA), INCLUDING ORAL AND WRITTEN COMMENTS AND RESPONSES TO COMMENTS PREPARED							
D	D000001	Delta Plan Final PEIR (Errata #4)	May 14, 2013				
D	D000002	Delta Plan Final PEIR (Errata #3)	May 14, 2013				
D	D000003	Delta Plan Final PEIR (Errata #2)	May 9, 2013				
D	D000006	Delta Plan Final PEIR (Errata #1)	May 7, 2013				
D	D000007	Final Delta Plan PEIR Volume 4 Binder 1 of 3 - Introduction through Section 3 Responses to Comments on the Draft Program PEIR State Agencies	May 1, 2013				
D	D000290	Final Delta Plan PEIR Volume 4 Binder 2 of 3 - Section 3 Responses to Comments on the Draft PEIR Local Agencies	May 1, 2013				
D	D002037	Final Delta Plan PEIR Volume 4 Binder 3 of 3 - Section 3 Responses to Comments on the Draft PEIR Organizations through Individuals	May 1, 2013				
D	D003358	Final Delta Plan PEIR Volume 5 Binder 1 of 2 - Section 4 Responses to Comments on the Recirculated Draft PEIR Federal through Local Agencies	May 1, 2013				
D	D004350	Final Delta Plan PEIR Volume 5 Binder 2 of 2 - Section 4 Response to Comments on Recirculated Draft PEIR Organizations; Section 5 Revisions to the Draft PEIR and Recirculated Draft PEIR; Section 6 References through the end May 1, 2013	May 1, 2013				
D	D005887	Recirculated Draft Delta Plan Program Environmental Impact Report Volume 3	November 2012				
D	D006711	Draft Program Environmental Impact Report Cover	November 2011		EIR Volume 1 starts here		
D	D006713	Draft Program Environmental Impact Report Table of Contents	November 2011				
D	D006731	Draft Program Environmental Impact Report Executive Summary	November 2011				
D	D006788	Draft Program Environmental Impact Report Section 1 Introduction	November 2011				
D	D006807	Draft Program Environmental Impact Report Section 2A Proposed Project and Alternatives	November 2011				
D	D006914	Draft Program Environmental Impact Report Section 2B Introduction to Resource Sections	November 2011				
D	D006941	Draft Program Environmental Impact Report Section 3 Water Resources	November 2011				
D	D007054	Draft Program Environmental Impact Report Section 4 Biological Resources	November 2011				
D	D007214	Draft Program Environmental Impact Report Section 5 Delta Flood Risk	November 2011				
D	D007298	Draft Program Environmental Impact Report Section 6 Land Use and Planning	November 2011				
D	D007376	Draft Program Environmental Impact Report Section 7 Agriculture and Forestry Resources	November 2011				
D	D007448	Draft Program Environmental Impact Report Section 8 Visual Resources	November 2011				
D	D007510	Draft Program Environmental Impact Report Section 9 Air Quality	November 2011				
D	D007560	Draft Program Environmental Impact Report Section 10 Cultural Resources	November 2011				
D	D007626	Draft Program Environmental Impact Report Section 11 Geology and Soils	November 2011				

D	D007722	Draft Program Environmental Impact Report Section 12 Paleontological Resources	November 2011				
D	D007750	Draft Program Environmental Impact Report Section 13 Mineral Resources	November 2011				
D	D007770	Draft Program Environmental Impact Report Section 14 Hazards and Hazardous Materials	November 2011				
D	D007824	Draft Program Environmental Impact Report Section 15 Noise	November 2011				
D	D007866	Draft Program Environmental Impact Report Section 16 Population and Housing	November 2011				
D	D007901	Draft Program Environmental Impact Report Section 17 Public Services	November 2011				
D	D007950	Draft Program Environmental Impact Report Section 18 Recreation	November 2011				
D	D008012	Draft Program Environmental Impact Report Section 19 Transportation Traffic and Circulation	November 2011				
D	D008078	Draft Program Environmental Impact Report Section 20 Utilities and Service Systems	November 2011				
D	D008100	Draft Program Environmental Impact Report Section 21 Climate Change and Greenhouse Gas Emissions	November 2011				
D	D008144	Draft Program Environmental Impact Report Section 22 Cumulative Impact Assessment	November 2011				
D	D008188	Draft Program Environmental Impact Report Section 23 Bay Delta Conservation Plan	November 2011				
D	D008226	Draft Program Environmental Impact Report Section 24 Other CEQA Considerations	November 2011				
D	D008249	Draft Program Environmental Impact Report Section 25 Comparison of Alternatives	November 2011				
D	D008261	Draft Program Environmental Impact Report Section 26 List of Preparers	November 2011				
D	D008265	Draft Program Environmental Impact Report Appendix A Acronyms and Abbreviations	November 2011		EIR Volume 2 starts here		
D	D008280	Draft Program Environmental Impact Report Appendix B SBX7	November 2011				
D	D008321	Draft Program Environmental Impact Report Appendix C Policies and Recommendations of the Proposed Project and Alternatives	November 2011				
D	D008700	Draft Program Environmental Impact Report Appendix D Regulatory Framework	November 2011				
D	D008909	Draft Program Environmental Impact Report Appendix E Water Resources Supporting Information	November 2011				
D	D008940	Draft Program Environmental Impact Report Appendix F Biology Appendixes	November 2011				
D	D009064	Draft Program Environmental Impact Report Appendix G Farmland Definitions	November 2011				
D	D009072	Draft Program Environmental Impact Report Appendix H Reference Environmental Impact Reports	November 2011				
D	D009082	Draft Program Environmental Impact Report Appendix I Notice of Preparation	November 2011				
D	D009129	Errata to the Draft Program EIR Draft Delta Plan Program Environmental Impact Report November 22 2011	November 22, 2011				
D	D009137	Errata to the Draft Program EIR Draft Delta Plan Program Environmental Impact Report November 4 2011	November 4, 2011				

E. FINAL STAFF REPORTS: STAFF REPORTS AND OTHER MATERIALS PREPARED FOR THE DELTA STEWARDSHIP COUNCIL RELATED							
E	E000001	Delta Stewardship Council May 16-17, 2013 Meeting Notice	May 6, 2013				
E	E000003	Delta Stewardship Council May 16-17, 2013 Meeting Agenda	May 6, 2013				
E	E000005	Delta Stewardship Council May 16-17, 2013 Cover Memo for Meeting from Executive Officer Chris Knopp to Council	May 6, 2013				
E	E000006	Staff Report: Consideration of Certifying Final Delta Plan PEIR, and Adopting the Proposed Final Delta Plan and Proposed Regulation: Overview of Staff Reports and Council Actions	May 16-17, 2013				
E	E000012	Staff Report: Delta Plan Final Program Environmental Impact Report (PEIR): Consideration of Certification and Adoption of Findings	May 16-17, 2013				
E	E000018	Attachment: Proposed California Environmental Quality Act Findings and Statement of Overriding Considerations for the Delta Plan	May 16-17, 2013				
E	E000117	Attachment: Findings Revision #1 (May 14, 2013) to California Environmental Policy Act (CEQA) Findings and Statement of Overriding Consideration for the Delta Plan	May 16-17, 2013				
E	E000119	Attachment: Findings Revision #2 (May 14, 2013) to California Environmental Policy Act (CEQA) Findings and Statement of Overriding Consideration for the Delta Plan	May 16-17, 2013				
E	E000120	Attachment: Proposed Delta Plan Mitigation and Monitoring Reporting Program	May 16-17, 2013				
E	E000153	Attachment: Resolution 2013-1 Certification of the Program Environmental Impact Report on the Delta Plan; Adoption of Findings and a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Program	May 16-17, 2013				
E	E000156	Staff Report: Consideration of Adoption of Final Delta Plan	May 16-17, 2013				
E	E000166	Attachment: Proposed Revised Executive Summary	May 16-17, 2013				
E	E000183	Attachment: Proposed Final Delta Plan (Redline Version)	May 16-17, 2013				
E	E000959	Attachment: Delta Plan Errata - May 2013	May 16-17, 2013				
E	E000960	Attachment: Proposed Resolution 2013-2 Approval and Adoption of Final Delta Plan	May 16-17, 2013				
E	E000962	Staff Report: Consideration of Adoption of Delta Plan Regulations	May 16-17, 2013		Not part of Record for Delta Reform Act claims		
E	E000969	Attachment: Modified Text of Proposed Regulation 4/4/2013 - California Code of Regulations Title 23 Waters	May 16-17, 2013				
E	E001062	Attachment: Errata: Staff-Suggested Technical, Non-Substantial Changes to the Modified Regulatory Text	May 16-17, 2013				
E	E001064	Attachment: Draft Final Statement of Reasons for Rulemaking Including Summary of Public Comments and Agency Responses	May 16-17, 2013				
E	E001073	Attachment: Draft Master Responses to Comments Received on the Proposed Regulation during the Public Review Period	May 16-17, 2013				
E	E001085	Attachment: Draft Response to Comments Received during the 45 day Notice Period November 30, 2012 through January 14, 2013 and during the Public Hearing January 24, 2013	May 16-17, 2013				
E	E001285	Attachment: Draft Response to Comments Received during the 15 day Notice Period April 8, 2013 through April 22, 2013	May 16, 17, 2013				

E	E001348	Attachment: Written Comments and Responses on a Modified Economic and Fiscal Impact Statement: STD 399 Attachment -- Comments submitted between April 24, 2013 and ending May 9, 2013	May 16, 17, 2013				
E	E001354	Attachment: Basis for the Delta Stewardship Council's Regulatory Authority	May 16, 17, 2013				
E	E001359	Attachment: Economic and Fiscal Impact Statement STD 399 and Attachment 1 - Regulatory Policies Contained in the Delta Plan	May 16, 17, 2013				
E	E001371	Attachment: Cost Analysis for Proposed Delta Plan Regulations in Support of the Economic and Fiscal Impact Statement	May 16, 17, 2013				
E	E001418	Attachment: Proposed Resolution 2013-3 Adoption of the Regulation Implementing the Delta Plan	May 16, 17, 2013				
F. MEETING SUMMARIES AND VIDEOS: WRITTEN MEETING SUMMARIES OF PUBLIC MEETINGS AND HEARINGS RE: DELTA PLAN							
F	F000001	Delta Stewardship Council Meeting Video April 1 2010	April 1, 2010	Video 1 of 68	2 Disks		
F	F000002	Delta Stewardship Council Meeting Video April 1 2010 (Disk 2)	April 1, 2010	Video 2 of 68			
F	F000003	Delta Stewardship Council Meeting April 1 2010 Meeting Summary	April 1, 2010				
F	F000008	Delta Stewardship Council Meeting Video April 22 2010	April 22, 2010	Video 3 of 68	2 Disks		
F	F000009	Delta Stewardship Council Meeting Video April 22 2010 (Disk 2)	April 22, 2010	Video 4 of 68			
F	F000010	Delta Stewardship Council Meeting Video April 23 2010	April 23, 2010	Video 5 of 68			
F	F000011	Delta Stewardship Council Meeting Summary April 22-23 2010	April 23, 2010				
F	F000016	Delta Stewardship Council Meeting Video May 27 2010	May 27, 2010	Video 6 of 68	2 Disks		
F	F000017	Delta Stewardship Council Meeting Video May 27 2010 (Disk 2)	May 27, 2010	Video 7 of 68			
F	F000018	Delta Stewardship Council Meeting Video May 28 2010	May 28, 2010	Video 8 of 68			
F	F000019	Delta Stewardship Council Meeting Summary May 27-28, 2010	May 28, 2010				
F	F000025	Delta Stewardship Council Meeting Video June 24 2010	June 24, 2010	Video 9 of 68			
F	F000026	Delta Stewardship Council Meeting Video June 25 2010	June 25, 2010	Video 10 of 68			
F	F000027	Delta Stewardship Council Meeting Summary June 24-25 2010	June 25, 2010				
F	F000035	Delta Stewardship Council Meeting Summary July 8 2010	July 8, 2010		Risk Reduction Workshop - No Video		
F	F000045	Delta Stewardship Council Meeting Video July 22 2010	July 22, 2010	Video 11 of 68			
F	F000046	Delta Stewardship Council Meeting Video July 23 2010	July 23, 2010	Video 12 of 68			
F	F000047	Delta Stewardship Council Meeting Summary July 22-23, 2010	July 23, 2010				
F	F000053	Delta Stewardship Council Meeting Summary August 3 2010	August 3, 2010		Governance & Implementation Workshop - No Video		
F	F000070	Delta Stewardship Council Meeting Summary August 12 2010	August 12, 2010		Communications Workshop - No Video		
F	F000088	Delta Stewardship Council Meeting Video August 26 2010	August 26, 2010	Video 13 of 68			
F	F000089	Delta Stewardship Council Meeting Video August 27 2010	August 27, 2010	Video 14 of 68			
F	F000090	Delta Stewardship Council Meeting Summary August 26-27 2010	August 27, 2010				
F	F000102	Delta Stewardship Council Meeting Video September 23 2010	September 23, 2010	Video 15 of 68			
F	F000103	Delta Stewardship Council Meeting Video September 24 2010	September 24, 2010	Video 16 of 68			
F	F000104	Delta Stewardship Council Meeting Summary September 23-24 2010	September 24, 2010				
F	F000114	Delta Stewardship Council Meeting Video 10 28 2010	October 28, 2010	Video 17 of 68			
F	F000115	Delta Stewardship Council Meeting Video 10 29 2010	October 29, 2010	Video 18 of 68			
F	F000116	Delta Stewardship Council Meeting Summary October 28-29 2010	October 29, 2010				
F	F000125	Delta Stewardship Council Meeting Video 11 18 2010	November 18, 2010	Video 19 of 68			

F	F000126	Delta Stewardship Council Meeting Video 11 19 2010	November 19, 2010	Video 20 of 68			
F	F000127	Delta Stewardship Council Meeting Summary November 18-19 2010	November 19, 2010				
F	F000135	Delta Stewardship Council Meeting Video 12 16 2010	December 16, 2010	Video 21 of 68			
F	F000136	Delta Stewardship Council Meeting Video 12 17 2010	December 17, 2010	Video 22 of 68			
F	F000137	Delta Stewardship Council Meeting Summary December 16-17 2010	December 17, 2010				
F	F000146	Delta Stewardship Council Meeting Video 01 27 2011	January 27, 2011	Video 23 of 68			
F	F000147	Delta Stewardship Council Meeting Video 01 28 2011	January 28, 2011	Video 24 of 68			
F	F000148	Delta Stewardship Council Meeting Summary January 27-28, 2011	January 28, 2011				
F	F000156	Delta Stewardship Council Meeting Video 02 24 2011	February 24, 2011	Video 25 of 68			
F	F000157	Delta Stewardship Council Meeting Video 02 25 2011	February 25, 2011	Video 26 of 68			
F	F000158	Delta Stewardship Council Meeting Summary February 24-25, 2011	February 25, 2011				
F	F000163	Delta Stewardship Council Workshop Video 03 10 2011	March 10, 2011	Video 27 of 68	Delta Plan Workshop: no Summary		
F	F000164	Delta Stewardship Council Workshop Video 03 11 2011	March 11, 2011	Video 28 of 68	Delta Plan Workshop: no Summary		
F	F000165	Delta Stewardship Council Meeting Video 03 24 2011	March 24, 2011	Video 29 of 68			
F	F000166	Delta Stewardship Council Meeting Video 03 25 2011	March 25, 2011	Video 30 of 68			
F	F000167	Delta Stewardship Council Meeting Summary March 24-25 2011	March 25, 2011				
F	F000175	Delta Stewardship Council Meeting Video 04 14 2011	April 14, 2011	Video 31 of 68	Delta Plan Workshop: no Summary		
F	F000176	Delta Stewardship Council Meeting Video 04 15 2011	April 15, 2011	Video 32 of 68	Delta Plan Workshop: no Summary		
F	F000177	Delta Stewardship Council Meeting Video 04 28 2011	April 28, 2011	Video 33 of 68			
F	F000178	Delta Stewardship Council Meeting Video 04 29 2011	April 29, 2011	Video 34 of 68			
F	F000179	Delta Stewardship Council Meeting Summary April 28-29 2011	April 29, 2011				
F	F000187	Delta Stewardship Council Meeting Video 05 12 2011	May 12, 2011	Video 35 of 68			
F	F000188	Delta Stewardship Council Meeting Video 05 13 2011	May 13, 2011	Video 36 of 68			
F	F000189	Delta Stewardship Council Meeting Summary May 12-13 2011	May 13, 2011				
F	F000195	Delta Stewardship Council Meeting Video 06 16 2011	June 16, 2011	Video 37 of 68			
F	F000196	Delta Stewardship Council Meeting Summary June 16 2011	June 16, 2011				
F	F000199	Delta Stewardship Council Meeting Video 06 23 2011	June 23, 2011	Video 38 of 68			
F	F000200	Delta Stewardship Council Meeting Video 06 24 2011	June 24, 2011	Video 39 of 68			
F	F000201	Delta Stewardship Council Meeting Summary June 23-24 2011	June 24, 2011				
F	F000212	Delta Stewardship Council Meeting Video 07 29 2011	July 29, 2011	Video 40 of 68			
F	F000213	Delta Stewardship Council Meeting Summary July 29 2011	July 29, 2011				
F	F000218	Delta Stewardship Council Meeting Video 08 26 2011	August 26, 2011	Video 41 of 68			
F	F000219	Delta Stewardship Council Meeting Summary August 26 2011	August 26, 2011				
F	F000225	Delta Stewardship Council Meeting Summary September 15 2011 Covered Actions	September 15, 2011		Success & Performance Measures Workshop - No Video		
F	F000231	Delta Stewardship Council Meeting Summary September 15 2011 Performance Measures	September 15, 2011		Covered Actions & Governance Workshop - No Video		
F	F000237	Delta Stewardship Council Meeting Summary September 19 2011 ESP Delta As An Evolving Place	September 19, 2011		ESP & Delta as an Evolving Place Workshop - No Video		
F	F000244	Delta Stewardship Council Meeting Summary September 20 2011 Finance Plan	September 20, 2011		Finance Plan Workshop - No Video		

F	F000250	Delta Stewardship Council Meeting Video 09 22 2011	September 22, 2011	Video 42 of 68			
F	F000251	Delta Stewardship Council Meeting Video 09 23 2011	September 23, 2011	Video 43 of 68			
F	F000252	Delta Stewardship Council Meeting Summary September 22-23 2011	September 23, 2011				
F	F000261	Delta Stewardship Council Meeting Video 10 27 2011	October 27, 2011	Video 44 of 68			
F	F000262	Delta Stewardship Council Meeting Summary October 27 2011	October 27, 2011				
F	F000268	Delta Stewardship Council Meeting Video 11 17 2011	November 17, 2011	Video 45 of 68			
F	F000269	Delta Stewardship Council Meeting Video 11 18 2011	November 18, 2011	Video 46 of 68			
F	F000270	Delta Stewardship Council Revised Meeting Summary November 17-18 2011	November 18, 2011				
F	F000277	Delta Stewardship Council Meeting Video 12 15 2011	December 15, 2011	Video 47 of 68			
F	F000278	Delta Stewardship Council Meeting Summary December 15 2011	December 15, 2011				
F	F000283	Delta Stewardship Council Meeting Video 01 26 2012	January 26, 2012	Video 48 of 68			
F	F000284	Delta Stewardship Council Meeting Summary January 26 2012	January 26, 2012				
F	F000290	Delta Stewardship Council Meeting Video 02 9-10 2012	February 10, 2012	Video 49 of 68			
F	F000291	Delta Stewardship Council Meeting Summary February 9-10 2012	February 10, 2012				
F	F000299	Delta Stewardship Council Meeting Video 03 15-16 2012	March 16, 2012	Video 50 of 68			
F	F000300	Delta Stewardship Council Meeting Summary March 15-16 2012	March 16, 2012				
F	F000308	Delta Stewardship Council Meeting Video 03 29-30 2012	March 30, 2012	Video 51 of 68			
F	F000309	Delta Stewardship Council Meeting Summary March 29-30 2012	March 30, 2012				
F	F000321	Delta Stewardship Council Meeting Video 04 26 2012	April 26, 2012	Video 52 of 68			
F	F000322	Delta Stewardship Council Meeting Summary April 26 2012	April 26, 2012				
F	F000333	Delta Stewardship Council Meeting Video 05 24 2012	May 24, 2012	Video 53 of 68			
F	F000334	Delta Stewardship Council Meeting Summary May 24 2012	May 24, 2012				
F	F000340	Delta Stewardship Council Meeting Video 06 14-15 2012	June 15, 2012	Video 54 of 68			
F	F000341	Delta Stewardship Council Meeting Summary June 14-15 2012	June 15, 2012				
F	F000351	Delta Stewardship Council Meeting Video 06 28-29 2012	June 29, 2012	Video 55 of 68			
F	F000352	Delta Stewardship Council Revised Meeting Summary June 28-29 2012	June 29, 2012				
F	F000369	Delta Stewardship Council Meeting Video 07 12 2012	July 12, 2012	Video 56 of 68			
F	F000370	Delta Stewardship Council Meeting Summary July 12 2012	July 12, 2012				
F	F000387	Delta Stewardship Council Meeting Video 08 23 2012	August 23, 2012	Video 57 of 68			
F	F000388	Delta Stewardship Council Meeting Summary August 23 24 2012	August 23-24, 2012		August 24 was a closed session, information is included in the meeting summary but no video is available.		
F	F000396	Delta Stewardship Council Meeting Video 09 13 2012	September 13, 2012	Video 58 of 68			
F	F000397	Delta Stewardship Council Meeting Summary September 13 2012	September 13, 2012				
F	F000402	Delta Stewardship Council Meeting Video 09 27 2012	September 27, 2012	Video 59 of 68			
F	F000403	Delta Stewardship Council Revised Meeting Summary September 27 2012	September 27, 2012				
F	F000410	Delta Stewardship Council Meeting Video 10 25 2012	October 25, 2012	Video 60 of 68			
F	F000411	Delta Stewardship Council Meeting Summary October 25 2012	October 25, 2012				
F	F000418	Delta Stewardship Council Meeting Video 11 15 2012	November 15, 2012	Video 61 of 68			
F	F000419	Delta Stewardship Council Meeting Summary November 15 2012	November 15, 2012				
F	F000426	Delta Stewardship Council Meeting Video 12 13 2012	December 13, 2012	Video 62 of 68			
F	F000427	Delta Stewardship Council Meeting Summary December 13 2012	December 13, 2012				

F	F000435	Delta Stewardship Council Meeting Video 01 11 2013	January 11, 2013	Video 63 of 68	Public Hearing - Comments on Final Delta Plan, Recirculated Draft EIR and Proposed Rulemaking Package -- Transcripts in FEIR in Record Section D		
F	F000436	Delta Stewardship Council Meeting Video 01 24 2013	January 24, 2013	Video 64 of 68			
F	F000437	Delta Stewardship Council Meeting January 24 2013 - Transcript of Rulemaking Comments	January 24, 2013				
F	F000517	Delta Stewardship Council Meeting Summary January 24 2013	January 24, 2013				
F	F000524	Delta Stewardship Council Meeting Video 02 21 2013	February 21, 2013	Video 65 of 68			
F	F000525	Delta Stewardship Council Meeting Summary February 21 2013	February 21, 2013				
F	F000534	Delta Stewardship Council Meeting Video 03 28-29 2013	March 29, 2013	Video 66 of 68			
F	F000535	Delta Stewardship Council Meeting Summary March 28-29 2013	March 29, 2013				
F	F000552	Delta Stewardship Council Meeting Video 04 25 2013	April 25, 2013	Video 67 of 68			
F	F000553	Delta Stewardship Council Meeting Summary April 25 2013	April 25, 2013				
F	F000561	Delta Stewardship Council Meeting Video 05 16-17 2013	May 17, 2013	Video 68 of 68			
F	F000562	Delta Stewardship Council Meeting Summary May 16-17 2013	May 17, 2013				
G. OTHER MEETING MATERIALS; AGENDAS, NOTICES, AND MATERIALS RELATED TO OTHER PUBLIC MEETINGS HELD REGARDING							
G	G000001	Delta Stewardship Council Meeting Revised Notice April 1, 2010	April 1, 2010				
G	G000003	Delta Stewardship Council Meeting Revised Agenda April 1, 2010	April 1, 2010				
G	G000005	Delta Stewardship Council Meeting April 1, 2010 Staff Report Delta Plan	April 1, 2010				
G	G000006	Delta Stewardship Council Meeting April 1, 2010 PowerPoint Presentation - Delta Plan	April 1, 2010				
G	G000021	Delta Stewardship Council Meeting April 1, 2010 Attachment Informational Timelines	April 1, 2010				
G	G000022	Delta Stewardship Council Meeting April 1, 2010 Staff Report Option to Retain Consultant Assistance for Delta Plan	April 1, 2010				
G	G000024	Delta Stewardship Council Meeting April 1, 2010 Attachment List of Qualifications Requested in the Delta Plan RFQ	April 1, 2010				
G	G000032	Delta Stewardship Council Meeting April 1, 2010 Staff Report Development of the Delta Plan Consistent with the Coastal Zone Management Act	April 1, 2010				
G	G000036	Delta Stewardship Council Meeting April 1, 2010 Attachment San Francisco Bay Conservation and Development Commission Memorandum to Greg Bourne, Facilitator, Delta Vision Governance Work Group dated May 1, 2008	April 1, 2010				
G	G000042	Delta Stewardship Council Meeting April 1, 2010 Attachment California Department of Justice Letter to John Kirlin dated September 8, 2008	April 1, 2010				
G	G000055	Delta Stewardship Council Meeting April 1, 2010 Attachment CZMA Federal Consistency Overview, February 20, 2009, Office of Ocean and Coastal Resource Management, NOAA	April 1, 2010				
G	G000078	Delta Stewardship Council Meeting April 1, 2010 Attachment Figure 1 - The Bay- Delta System Map	April 1, 2010				
G	G000079	Delta Stewardship Council Meeting April 1, 2010 Staff Report Establishment of Delta Plan Agency Coordination Group	April 1, 2010				

G	G000080	Delta Stewardship Council Meeting April 1, 2010 Staff Report Request for Federal Participation in Delta Plan Development	April 1, 2010				
G	G000081	Delta Stewardship Council Meeting April 1, 2010 Staff Report Direction for Development of Interim Plan	April 1, 2010				
G	G000083	Delta Stewardship Council Meeting April 1, 2010 Attachment Interim Plan Outline	April 1, 2010				
G	G000084	Delta Stewardship Council Meeting Notice April 22-23, 2010	April 22-23, 2010				
G	G000086	Delta Stewardship Council Meeting Agenda April 22-23, 2010	April 22-23, 2010				
G	G000088	Delta Stewardship Council Meeting April 22-23, 2010 PowerPoint Presentation - Delta Briefing	April 22-23, 2010				
G	G000146	Delta Stewardship Council Meeting April 22-23, 2010 Staff Report Delta Plan and Environmental Documents Consultant Contract(s)	April 22-23, 2010				
G	G000153	Delta Stewardship Council Meeting April 22-23, 2010 PowerPoint Presentation - Delta Plan Consultant Contracts	April 22-23, 2010				
G	G000163	Delta Stewardship Council Meeting April 22-23, 2010 Attachment Architectural & Engineering Contract - Delta Plan RFQ Interview Schedule and Format	April 22-23, 2010				
G	G000166	Delta Stewardship Council Meeting April 22-23, 2010 Staff Report Draft Outline of Interim Plan	April 22-23, 2010				
G	G000168	Delta Stewardship Council Meeting Notice May 27-28, 2010	May 27-28, 2010				
G	G000170	Delta Stewardship Council Meeting Agenda May 27-28, 2010	May 27-28, 2010				
G	G000173	Delta Stewardship Council Meeting May 27-28, 2010 Staff Report on Delta Plan and Interim Plan	May 27-28, 2010				
G	G000179	Delta Stewardship Council Meeting May 27-28, 2010 PowerPoint Presentation - Delta Plan and Interim Plan	May 27-28, 2010				
G	G000202	Delta Stewardship Council Meeting May 27-28, 2010 Attachment Delta Plan Project Schedule	May 27-28, 2010				
G	G000203	Delta Stewardship Council Meeting May 27-28, 2010 Attachment Draft Delta Plan Outline	May 27-28, 2010				
G	G000205	Delta Stewardship Council Meeting May 27-28, 2010 Attachment Draft Interim Plan Outline	May 27-28, 2010				
G	G000208	Delta Stewardship Council Meeting May 27-28, 2010 Attachment Items for Possible Inclusion in the Delta Plan or Interim Plan	May 27-28, 2010				
G	G000214	Delta Stewardship Council Meeting May 27-28, 2010 Attachment Interim Delta Plan Public Input	May 27-28, 2010				
G	G000225	Delta Stewardship Council Meeting May 27-28, 2010 Attachment Status of Early Actions	May 27-28, 2010				
G	G000232	Delta Stewardship Council Meeting May 27-28, 2010 Attachment Major Ongoing Programs, Projects Under Construction, and On-Going Studies That Will Directly Affect or Could Indirectly Affect the Delta	May 27-28, 2010				
G	G000237	Delta Stewardship Council Meeting May 27-28, 2010 Staff Report Progress Report regarding Bay Delta Conservation Plan and Discussion of the Council's Roles and Responsibilities	May 27-28, 2010				
G	G000242	Delta Stewardship Council Meeting May 27-28, 2010 PowerPoint Presentation - Overview of Bay Delta Conservation Plan	May 27-28, 2010				
G	G000260	Delta Stewardship Council Meeting May 27-28, 2010 Attachment Overview of Bay Delta Conservation Plan (March 2009)	May 27-28, 2010				

G	G000280	Delta Stewardship Council Meeting May 27-28, 2010 Attachment May 10, 2010 Letter to BDCP Steering Committee and Karen Scarbrough, Undersecretary, Natural Resources, from P. Joseph Grindstaff regarding Delta Stewardship Council Roles in BDCP Process	May 27-28, 2010				
G	G000283	Delta Stewardship Council Meeting May 27-28, 2010 Attachment Memo to Chris Stevens, from Tara Mueller, Office of the Attorney General Regarding the DSC's "Responsible Agency" Role Regarding the BDCP	May 27-28, 2010				
G	G000293	Delta Stewardship Council Meeting May 27-28, 2010 Attachment BDCP Key Decisions by Major Issues	May 27-28, 2010				
G	G000294	Delta Stewardship Council Meeting May 27-28, 2010 Attachment May 25, 2010 Letter to David Hayes, Deputy Secretary, Department of the Interior from Congressman Garamendi regarding BDCP	May 27-28, 2010				
G	G000297	Delta Stewardship Council Meeting May 27-28, 2010 May 27, 2010 Letter from NRDC regarding Council Involvement in BDCP Process	May 27-28, 2010				
G	G000303	Delta Stewardship Council Meeting Notice June 24-25, 2010	June 24-25, 2010				
G	G000305	Delta Stewardship Council Meeting Agenda June 24-25, 2010	June 24-25, 2010				
G	G000308	Delta Stewardship Council Meeting June 24-25, 2010 Staff Report Discuss First Draft Interim Plan and Provide Direction for Second Draft	June 24-25, 2010				
G	G000314	Delta Stewardship Council Meeting June 24-25, 2010 Attachment First Draft-Interim Plan	June 24-25, 2010				
G	G000436	Delta Stewardship Council Meeting June 24-25, 2010 Attachment Delta Activities Timeline	June 24-25, 2010				
G	G000437	Delta Stewardship Council Agenda July 8, 2010 Risk Reduction and Coequal Goals Work Group Meeting	July 8, 2010				
G	G000438	Delta Stewardship Council Meeting Summary July 8, 2010 Risk Reduction and Coequal Goals Work Group Meeting Agenda	July 8, 2010				
G	G000448	Delta Stewardship Council Meeting Notice July 22-23, 2010	July 22-23, 2010				
G	G000452	Delta Stewardship Council Meeting Agenda July 22-23, 2010	July 22-23, 2010				
G	G000456	Delta Stewardship Council Meeting July 22-23, 2010 Staff Report Second Draft Interim Plan	July 22-23, 2010				
G	G000460	Delta Stewardship Council Meeting July 22-23, 2010 Attachment Second Draft Interim Plan	July 22-23, 2010				
G	G000548	Delta Stewardship Council Meeting July 22-23, 2010 Attachment Summary of July 8, 2010 Meeting of Risk Reduction and Coequal Goals Workgroup	July 22-23, 2010				
G	G000558	Delta Stewardship Council Meeting July 22-23, 2010 Attachment Delta Activities Timeline	July 22-23, 2010				
G	G000559	Delta Stewardship Council Meeting July 22-23, 2010 Staff Report Administrative Procedures Governing Appeals	July 22-23, 2010				
G	G000562	Delta Stewardship Council Meeting July 22-23, 2010 Attachment Second Draft Document Containing, "I. Administrative Procedures Governing Appeals; II. Statutory Provisions Requiring Other Consistency Reviews; and III. Other Forms of Review or Evaluation by the Council"	July 22-23, 2010				
G	G000571	Delta Stewardship Council Meeting Agenda August 3, 2010 - Governance and Implementation Workgroup	August 3, 2010				
G	G000574	Delta Stewardship Council Meeting Agenda August 12, 2010 - Communications Workgroup	August 12, 2010				
G	G000576	Delta Stewardship Council Meeting Notice August 26-27, 2010	August 26-27, 2010				

G	G000579	Delta Stewardship Council Meeting Agenda August 26-27, 2010	August 26-27, 2010				
G	G000583	Delta Stewardship Council Meeting August 26-27, 2010 Staff Report Adoption of "I. Administrative Procedures Governing Appeals; II. Statutory Provisions Requiring Other Consistency Reviews; and III. Other Forms of Review or Evaluation by the Council"	August 26-27, 2010				
G	G000587	Delta Stewardship Council Meeting August 26-27, 2010 Attachment Third Draft Document Containing, "I. Administrative Procedures Governing Appeals; II. Statutory Provisions Requiring Other Consistency Reviews; and III. Other Forms of Review or Evaluation by the Council."	August 26-27, 2010				
G	G000597	Delta Stewardship Council Meeting August 26-27, 2010 Attachment Third Draft Document Containing, "I. Administrative Procedures Governing Appeals; II. Statutory Provisions Requiring Other Consistency Reviews; and®III. Other Forms of Review or Evaluation by the Council.", Redline Version	August 26-27, 2010				
G	G000607	Delta Stewardship Council Meeting August 26-27, 2010 Attachment Administrative Procedures Governing Appeals; Proposed Revisions to Final Draft 8/12/10; Addition of New Paragraph 22.5 and Revisions to Paragraph 23	August 26-27, 2010				
G	G000609	Delta Stewardship Council Meeting August 26-27, 2010 Staff Report Delta Plan Stakeholder Workgroup Update	August 26-27, 2010				
G	G000610	Delta Stewardship Council Meeting August 26-27, 2010 Attachment Governance and Implementation Workgroup Meeting Summary, August 3, 2010	August 26-27, 2010				
G	G000627	Delta Stewardship Council Meeting August 26-27, 2010 Attachment Communications and Outreach Workgroup Meeting Summary, August 12, 2010	August 26-27, 2010				
G	G000645	Delta Stewardship Council Meeting August 26-27, 2010 Attachment Correspondence Regarding Workgroups	August 26-27, 2010				
G	G000662	Delta Stewardship Council Meeting August 26-27, 2010 Staff Report Adoption of Interim Plan	August 26-27, 2010				
G	G000664	Delta Stewardship Council Meeting August 26-27, 2010 Attachment Final Draft Interim Plan	August 26-27, 2010				
G	G000783	Delta Stewardship Council Meeting August 26-27, 2010 Attachment Final Draft Interim Plan, Redline Version	August 26-27, 2010				
G	G000912	Delta Stewardship Council Meeting August 26-27, 2010 Attachment Comment Tracking Matrix between March and August 2010	August 26-27, 2010				
G	G001083	Delta Stewardship Council Meeting August 26-27, 2010 Attachment Proposed Approach for Early Action Reviews	August 26-27, 2010				
G	G001092	Delta Stewardship Council Meeting August 26-27, 2010 Staff Report Delta Plan Development - Initial Steps	August 26-27, 2010				
G	G001095	Delta Stewardship Council Meeting August 26-27, 2010 Attachment CEQA Process Flow Chart (CEQA Appendix A)	August 26-27, 2010				
G	G001096	Delta Stewardship Council Meeting August 26-27, 2010 Attachment Preliminary Outline of Notice of Preparation	August 26-27, 2010				
G	G001097	Delta Stewardship Council Meeting August 26-27, 2010 Attachment Preliminary Concept for Development of Alternatives for EIR Analyses	August 26-27, 2010				

G	G001098	Delta Stewardship Council Meeting August 26-27, 2010 Attachment CEQA Environmental Checklist Form (CEQA Appendix G)	August 26-27, 2010				
G	G001113	Delta Stewardship Council Meeting Notice September 23-24, 2010	September 23-24, 2010				
G	G001115	Delta Stewardship Council Meeting Agenda September 23-24, 2010	September 23-24, 2010				
G	G001118	Delta Stewardship Council Meeting Meeting September 23-24, 2010, Agenda Item 8, Adoption of Administrative Procedures Governing Appeals	September 23-24, 2010				
G	G001121	Delta Stewardship Council Meeting Meeting September 23-24, 2010, Agenda Item 8, Attachment 1, Administrative Procedures Governing Appeals (Draft 9/14/2010)	September 23-24, 2010				
G	G001122	Delta Stewardship Council Meeting Meeting September 23-24, 2010, Agenda Item 8, Attachment 2, Administrative Procedures Governing Appeals (Final 9/14/2010)	September 23-24, 2010				
G	G001134	Delta Stewardship Council Meeting Meeting September 23-24, 2010, Agenda Item 8, Attachment 3, Redline Version of Adoption of Administrative Procedures Governing Appeals (Redline 9/14/2010)	September 23-24, 2010				
G	G001146	Delta Stewardship Council Meeting September 23-24, 2010 Staff Report of DSC Committee on Interim Plan - Early Actions	September 23-24, 2010				
G	G001148	Delta Stewardship Council Meeting September 23-24, 2010 Attachment Committee Recommendation Options Submittal Forms	September 23-24, 2010				
G	G001153	Delta Stewardship Council Meeting September 23-24, 2010 Attachment Early Action Applications and Staff Recommendations Forms	September 23-24, 2010				
G	G001196	Delta Stewardship Council Meeting September 23-24, 2010 Attachment Specific Early Actions Identified in SBX7 1	September 23-24, 2010				
G	G001199	Delta Stewardship Council Meeting September 23-24, 2010 Staff Report Delta Plan Development	September 23-24, 2010				
G	G001201	Delta Stewardship Council Meeting September 23-24, 2010 Attachment September 14, 2010, Correspondence from the Office of the Attorney General, Regarding The Delta Stewardship Council's Roles and Responsibilities Under the California Environmental Quality Act Regarding Approval of the Delta Plan	September 23-24, 2010				
G	G001212	Delta Stewardship Council Meeting September 23-24, 2010 Preliminary Schedule	September 23-24, 2010				
G	G001213	Delta Stewardship Council Meeting September 23-24, 2010 Preliminary Draft Notice of Preparation	September 23-24, 2010				
G	G001220	Delta Stewardship Council Meeting September 23-24, 2010 Comment Matrix between August 5, 2010 and September 14, 2010	September 23-24, 2010				
G	G001289	Delta Stewardship Council Meeting Notice October 11, 2010 - Early Actions Review	October 11, 2010				
G	G001291	Delta Stewardship Council Meeting Agenda October 11, 2010 - Early Actions Review	October 11, 2010				
G	G001293	Delta Stewardship Council Meeting Notice October 28-29, 2010	October 28-29, 2010				
G	G001295	Delta Stewardship Council Meeting Agenda October 28-29, 2010	October 28-29, 2010				
G	G001297	Delta Stewardship Council Meeting October 28-29, 2010 Staff Report Delta Plan Development	October 28-29, 2010				

G	G001299	Delta Stewardship Council Meeting October 28-29, 2010 Attachment Delta Ecosystem White Paper	October 28-29, 2010				
G	G001397	Delta Stewardship Council Meeting October 28-29, 2010 Attachment Delta Flood Risk White Paper	October 28-29, 2010				
G	G001494	Delta Stewardship Council Meeting October 28-29, 2013 Attachment Preliminary Notice of Preparation/Redline Version	October 28-29, 2010				
G	G001526	Delta Stewardship Council Meeting October 28-29, 2010 Attachment Comment Matrix for Comments Received from September 13, 2010 through October 15, 2010	October 28-29, 2010				
G	G001558	Delta Stewardship Council Meeting Notice November 5, 2010 - Early Actions Review	November 5, 2010				
G	G001560	Delta Stewardship Council Meeting Agenda November 5, 2010 - Early Actions Review	November 5, 2010				
G	G001562	Delta Stewardship Council Revised Meeting Notice November 18-19, 2010	November 18-19, 2010				
G	G001564	Delta Stewardship Council Meeting Agenda November 18-19, 2010	November 18-19, 2010				
G	G001566	Delta Stewardship Council Meeting November 18-19, 2010 Staff Report Delta Plan Development	November 18-19, 2010				
G	G001568	Delta Stewardship Council Meeting November 18-19, 2010 Attachment Delta Emergency Preparedness and Response White Paper	November 18-19, 2010				
G	G001604	Delta Stewardship Council Meeting November 18-19, 2010 Attachment Delta Land Use/Socioeconomics White Paper	November 18-19, 2010				
G	G001710	Delta Stewardship Council Meeting November 18-19, 2010 Attachment Final Notice of Preparation and Redline Version	November 18-19, 2010				
G	G001792	Delta Stewardship Council Meeting November 18-19, 2010 Attachment Comment Matrix for Comments Received from October 16, 2010 through November 5, 2010	November 18-19, 2010				
G	G001831	Delta Stewardship Council Meeting Notice December 16-17, 2010	December 16-17, 2010				
G	G001833	Delta Stewardship Council Meeting Agenda December 16-17, 2010	December 16-17, 2010				
G	G001835	Delta Stewardship Council Meeting December 16-17, 2010 Staff Report Delta Plan Related Contracts	December 16-17, 2010				
G	G001837	Delta Stewardship Council Meeting December 16-17, 2010 Attachment List of Task Orders for Delta Plan Contract	December 16-17, 2010				
G	G001838	Delta Stewardship Council Meeting December 16-17, 2010 Attachment Other Delta Plan Related Contracts	December 16-17, 2010				
G	G001839	Delta Stewardship Council Meeting December 16-17, 2010 Staff Report Delta Plan Development	December 16-17, 2010				
G	G001841	Delta Stewardship Council Meeting December 16-17, 2010 Attachment Agriculture White Paper	December 16-17, 2010				
G	G001908	Delta Stewardship Council Meeting December 16-17, 2010 Attachment Water Resources White Paper	December 16-17, 2010				
G	G001989	Delta Stewardship Council Meeting December 16-17, 2010 Attachment Delta Plan Proposed Draft Outline	December 16-17, 2010				

G	G001994	Delta Stewardship Council Meeting December 16-17, 2010 Attachment Comment Matrix for Comments Received from November 8, 2010 through December 3, 2010	December 16-17, 2010				
G	G002013	Delta Stewardship Council Meeting December 16-17, 2010 Attachment Delta Plan and EIR Schedule	December 16-17, 2010				
G	G002014	Delta Stewardship Council CEQA Scoping Meeting Notice and Agenda January 18, 2011_ January 19, 2011_ January 20, 2011_ January 24, 2011_ January 25, 2011_ January 26, 2011	January 18-26, 2011				
G	G002017	Delta Stewardship Council Meeting Notice January 27-28, 2011	January 27-28, 2011				
G	G002019	Delta Stewardship Council Meeting Agenda January 27-28, 2011	January 27-28, 2011				
G	G002021	Delta Stewardship Council Meeting January 27-28, 2011 Staff Report Delta Plan Development	January 27-28, 2011				
G	G002022	Delta Stewardship Council Meeting January 27-28, 2011 Attachment Delta Plan Proposed Draft Outline	January 27-28, 2011				
G	G002029	Delta Stewardship Council Meeting January 27-28, 2011 Attachment Delta Plan Proposed Draft Outline Redline Version	January 27-28, 2011				
G	G002038	Delta Stewardship Council Meeting January 27-28, 2011 Attachment Summary of Delta Plan EIR Scoping Meeting Attendees	January 27-28, 2011				
G	G002039	Delta Stewardship Council Meeting January 27-28, 2011 Attachment Comment Matrix for Comments Received from December 3, 2010 through January 7, 2011	January 27-28, 2011				
G	G002112	Delta Stewardship Council Meeting January 27-28, 2011 Attachment Delta Plan and EIR Schedule	January 27-28, 2011				
G	G002113	Delta Stewardship Council Meeting Revised Notice February 24-25, 2011	February 24-25, 2011				
G	G002115	Delta Stewardship Council Meeting Revised Agenda February 24-25, 2011	February 24-25, 2011				
G	G002117	Delta Stewardship Council Meeting February 24-25, 2011 Staff Report Delta Plan Development	February 24-25, 2011				
G	G002118	Delta Stewardship Council Meeting February 24-25, 2011 PowerPoint Presentation - CEQA and the Delta Plan	February 24-25, 2011				
G	G002132	Delta Stewardship Council Meeting February 24-25, 2011 Attachment Proposed Agenda Roadmap for Delta Plan and EIR Discussions	February 24-25, 2011				
G	G002133	Delta Stewardship Council Meeting February 24-25, 2011 Attachment First Staff Draft of the Delta Plan	February 24-25, 2011				
G	G002196	Delta Stewardship Council Meeting February 24-25, 2011 Attachment Comment Matrix for Comments Received from January 10, 2011 through February 4, 2011	February 24-25, 2011				
G	G002255	Delta Stewardship Council Meeting Notice March 10-11, 2011 Delta Plan Workshop	March 10-11, 2011				
G	G002256	Delta Stewardship Council Meeting Agenda March 10-11, 2011 Delta Plan Workshop	March 10-11, 2011				
G	G002257	Delta Stewardship Council March 10-11, 2011 Staff Report Focused Panel Discussions 1st Draft of Delta Plan	March 10-11, 2011				
G	G002263	Delta Stewardship Council Meeting March 10-11, 2011 PowerPoint Presentation - Workshop on Draft Delta Plan	March 10-11, 2011				
G	G002283	Delta Stewardship Council Meeting Revised Notice March 24-25, 2011	March 24-25, 2011				
G	G002285	Delta Stewardship Council Meeting Agenda March 24-25, 2011	March 24-25, 2011				

G	G002287	Delta Stewardship Council Meeting March 24-25, 2011 Staff Report Delta Plan Development	March 24-25, 2011				
G	G002289	Delta Stewardship Council Meeting March 24-25, 2011 PowerPoint Presentation - Adaptive Management and the Delta Plan	March 24-25, 2011				
G	G002295	Delta Stewardship Council Meeting March 24-25, 2011 Attachment Second Staff Draft of the Delta Plan	March 24-25, 2011				
G	G002364	Delta Stewardship Council Meeting March 24-25, 2011 Attachment EIR Alternatives Powerpoint Presentation and Discussion	March 24-25, 2011				
G	G002373	Delta Stewardship Council Meeting March 24-25, 2011 Attachment Comment Matrix for Comments Received from February 7, 2011 through March 11, 2011	March 24-25, 2011				
G	G002523	Delta Stewardship Council Meeting Notice April 14-15, 2011 Delta Plan Workshop	April 14-15, 2011				
G	G002524	Delta Stewardship Council Meeting Agenda April 14-15, 2011 Delta Plan Workshop	April 14-15, 2011				
G	G002525	Delta Stewardship Council Meeting April 14-15, 2011 Attachment Delta Plan Workshop	April 14-15, 2011				
G	G002530	Delta Stewardship Council Meeting Notice April 28-29, 2011	April 28-29, 2011				
G	G002532	Delta Stewardship Council Meeting Agenda April 28-29, 2011	April 28-29, 2011				
G	G002534	Delta Stewardship Council Meeting April 28-29, 2011 Staff Report Delta Plan Development	April 28-29, 2011				
G	G002536	Delta Stewardship Council Meeting April 28-29, 2011 PowerPoint Presentation - CEQA and the Delta Plan Update	April 28-29, 2011				
G	G002547	Delta Stewardship Council Meeting April 28-29, 2011 Attachment FAQs Regarding Covered Actions	April 28-29, 2011				
G	G002550	Delta Stewardship Council Meeting April 28-29, 2011 Attachment Third Staff Draft of the Delta Plan	April 28-29, 2011				
G	G002681	Delta Stewardship Council Meeting April 28-29, 2011 Attachment Comment Matrix for Comments Received from March 14, 2011 through April 15, 2011	April 28-29, 2011				
G	G002976	Delta Stewardship Council Meeting Notice May 12-13, 2011	May 12-13, 2011				
G	G002977	Delta Stewardship Council Meeting Agenda May 12-13, 2011	May 12-13, 2011				
G	G002979	Delta Stewardship Council Meeting May 12-13, 2011 Staff Report Focused Panel Discussion 3rd Draft of Delta Plan	May 12-13, 2011				
G	G002982	Delta Stewardship Council Meeting May 12-13, 2011 Attachment Delta Cities - Tracy	May 12-13, 2011				
G	G002996	Delta Stewardship Council Meeting May 12-13, 2011 Attachment Delta Cities - Antioch	May 12-13, 2011				
G	G003005	Delta Stewardship Council Meeting May 12-13, 2011 Attachment Delta Cities - Stockton	May 12-13, 2011				
G	G003012	Delta Stewardship Council Meeting May 12-13, 2011 Staff Report Delta Plan Development	May 12-13, 2011				
G	G003014	Delta Stewardship Council Meeting May 12-13, 2011 Attachment Third Staff Draft of the Delta Plan	May 12-13, 2011				
G	G003145	Delta Stewardship Council Meeting May 12-13, 2011 Attachment Comment Matrix for Comments on Third Staff Draft from April 22, 2011 through May 9, 2011	May 12-13, 2011				

G	G003285	Delta Stewardship Council Meeting May 12-13, 2011 Attachment Summary of Delta Plan EIR Alternatives	May 12-13, 2011				
G	G003286	Delta Stewardship Council Meeting May 12-13, 2011 PowerPoint Presentation - Conceptual Alternatives Being Considered for Evaluation in the Delta Plan EIR	May 12-13, 2011				
G	G003294	Delta Stewardship Council Meeting Notice June 16, 2011	June 16, 2011				
G	G003295	Delta Stewardship Council Meeting Agenda June 16, 2011	June 16, 2011				
G	G003296	Delta Stewardship Council Meeting June 16, 2011 Staff Report Delta Plan Development	June 16, 2011				
G	G003297	Delta Stewardship Council Meeting June 16, 2011 Attachment Executive Summary of Fourth Staff Draft Delta Plan	June 16, 2011				
G	G003537	Delta Stewardship Council Meeting June 16, 2011 Attachment Updated Draft Environmental Impact Report Alternatives Matrix	June 16, 2011				
G	G003542	Delta Stewardship Council Meeting June 16, 2011 Attachment Side-by-Side Comparison of Revised Policies and Recommendations	June 16, 2011				
G	G003563	Delta Stewardship Council Meeting Notice June 23-24, 2011	June 23-24, 2011				
G	G003565	Delta Stewardship Council Meeting Agenda June 23-24, 2011	June 23-24, 2011				
G	G003567	Delta Stewardship Council Meeting June 23-24, 2011 Staff Report Delta Plan Development	June 23-24, 2011				
G	G003573	Delta Stewardship Council Meeting June 23-24, 2011 Attachment Fourth Staff Draft Delta Plan	June 23-24, 2011				
G	G003813	Delta Stewardship Council Meeting June 23-24, 2011 Attachment Side-by-Side Comparison of Revised Policies and Recommendations	June 23-24, 2011				
G	G003841	Delta Stewardship Council Meeting June 23-24, 2011 Attachment Responses to Comments Received on 3rd Staff Draft Delta Plan (April 22, 2011 - May 6, 2011)	June 23-24, 2011				
G	G004115	Delta Stewardship Council Meeting Notice July 29, 2011	July 29, 2011				
G	G004117	Delta Stewardship Council Meeting Agenda July 29, 2011	July 29, 2011				
G	G004119	Delta Stewardship Council Meeting July 29, 2011 Staff Report Approval of Delta Plan Contract Amendment	July 29, 2011				
G	G004121	Delta Stewardship Council Meeting July 29, 2011 Staff Report Delta Plan Development - Focused Discussion on Finance Section of Delta Plan	July 29, 2011				
G	G004122	Delta Stewardship Council Meeting July 29, 2011 Attachment Funding Summaries	July 29, 2011				
G	G004129	Delta Stewardship Council Meeting July 29, 2011 Panelist Handout - Ellen Hanak	July 29, 2011				
G	G004133	Delta Stewardship Council Meeting July 29, 2011 Panelist Handout - Dave Bolland	July 29, 2011				
G	G004136	Delta Stewardship Council Meeting Notice August 26, 2011	August 26, 2011				
G	G004138	Delta Stewardship Council Meeting Agenda August 26, 2011	August 26, 2011				
G	G004140	Delta Stewardship Council Meeting August 26, 2011 Staff Report Staff Briefing on Fifth Staff Draft of the Delta Plan URL Location	August 26, 2011				
G	G004141	Delta Stewardship Council Meeting August 26, 2011 Attachment Fifth Staff Draft of the Delta Plan	August 26, 2011				
G	G004366	Delta Stewardship Council Meeting Notice September 15 2011 Success and Performance Measures Workshop and Covered Actions and Governance Workshop	September 15, 2011				

G	G004367	Delta Stewardship Council Focused Work Session Announcement Agenda September 15, 2011; September 19, 2011; September 20, 2011 Workshops	September 15, 2011				
G	G004372	Delta Stewardship Council Meeting Notice and Agenda September 19, 2011 ESP and Delta as an Evolving Place Workshop	September 19, 2011				
G	G004373	Delta Stewardship Council Meeting Notice and Agenda September 20, 2011 - Finance Plan Work Session	September 20, 2011				
G	G004374	Delta Stewardship Council Meeting Notice September 22-23, 2011	September 22-23, 2011				
G	G004376	Delta Stewardship Council Revised Meeting Agenda September 22-23, 2011	September 22-23, 2011				
G	G004378	Delta Stewardship Council Meeting September 22-23, 2011 Staff Report Delta Independent Science Board Chair's Report	September 22-23, 2011				
G	G004379	Delta Stewardship Council Meeting September 22-23, 2011 Attachment Draft Synthesis of Recommendations from the Delta Independent Science Board on the Fifth Draft Delta Plan	September 22-23, 2011				
G	G004413	Delta Stewardship Council Meeting September 22-23, 2011 Attachment Final Synthesis of Recommendations from the DISB on the Fifth Draft Delta Plan	September 22-23, 2011				
G	G004448	Delta Stewardship Council Meeting September 22-23, 2011 Staff Report Delta Plan Development	September 22-23, 2011				
G	G004449	Delta Stewardship Council Meeting September 22-23, 2011 Attachment Preliminary Draft Proposed Regulations	September 22-23, 2011				
G	G004462	Delta Stewardship Council Meeting September 22-23, 2011 Attachment Preliminary Description of Topics and Questions for Work Sessions	September 22-23, 2011				
G	G004467	Delta Stewardship Council Meeting Notice October 27, 2011	October 27, 2011				
G	G004469	Delta Stewardship Council Meeting Agenda October 27, 2011	October 27, 2011				
G	G004471	Delta Stewardship Council Meeting Notice November 17-18, 2011	November 17-18, 2011				
G	G004473	Delta Stewardship Council Meeting Agenda November 17-18, 2011	November 17-18, 2011				
G	G004475	Delta Stewardship Council Meeting November 17-18, 2011 Staff Report Update on Delta Plan Draft Environmental Impact Report	November 17-18, 2011				
G	G004477	Delta Stewardship Council Meeting November 17-18, 2011 Attachment Draft Delta Plan Program Environmental Impact Report Executive Summary	November 17-18, 2011				
G	G004534	Delta Stewardship Council Meeting November 17-18, 2011 PowerPoint Presentation - Delta Plan Draft Program EIR Public Process Update	November 17-18, 2011				
G	G004547	Delta Stewardship Council Meeting November 17-18, 2011 Staff Report Panel Discussion on Stressors in the Delta	November 17-18, 2011				
G	G004548	Delta Stewardship Council Meeting Notice December 9, 2011 Covered Actions Workshop	December 9, 2011				
G	G004549	Delta Stewardship Council Meeting Revised Notice December 15, 2011	December 15, 2011				
G	G004551	Delta Stewardship Council Meeting Agenda December 15, 2011	December 15, 2011				
G	G004552	Delta Stewardship Council Meeting December 15, 2011 Staff Report Report from Chair of Peer Review Panel on Delta Protection Commission Economic Sustainability Plan	December 15, 2011				
G	G004553	Delta Stewardship Council Meeting December 15, 2011 Attachment Transmittal Letter from Dr. Cliff Dahm to the DSC and DPC	December 15, 2011				

G	G004555	Delta Stewardship Council Meeting December 15, 2011 Attachment Independent Panel Review of the Economic Sustainability Plan	December 15, 2011				
G	G004577	Delta Stewardship Council Meeting December 15, 2011 Attachment Response from Delta Protection Commission Chair Michael Machado and Dr. Jeffrey A. Michael, Principal Investigator, ESP	December 15, 2011				
G	G004584	Delta Stewardship Council EIR Field Hearings Meeting Notice January 11, 2012; January 12, 2012; January 17, 2012; January 18, 2012; January 19 2012	January 11-12, 2012, January 17-19, 2012				
G	G004587	Delta Stewardship Council Meeting Notice January 26, 2012	January 26, 2012				
G	G004589	Delta Stewardship Council Meeting Agenda January 26, 2012	January 26, 2012				
G	G004591	Delta Stewardship Council Meeting January 26, 2012 Staff Report Summary of Changes Leading to Fifth Staff Draft Delta Plan	January 26, 2012				
G	G004593	Delta Stewardship Council Meeting January 26, 2012 Attachment Changes in Staff Draft Delta Plans	January 26, 2012				
G	G004626	Delta Stewardship Council Meeting January 26, 2012 Attachment Major Themes in Comments on Staff Drafts of Delta Plan	January 26, 2012				
G	G004648	Delta Stewardship Council Meeting January 26, 2012 Attachment Major Themes in Comments on Staff Drafts of Delta Plan with Revisions	January 26, 2012				
G	G004671	Delta Stewardship Council Meeting January 26, 2012 PowerPoint Presentation - Developing Staff Draft Delta Plan Comments and Changes	January 26, 2012				
G	G004694	Delta Stewardship Council Meeting January 26, 2012 Staff Report Framework for Review of Bay Delta Conservation Plan (BDCP)	January 26, 2012				
G	G004697	Delta Stewardship Council Meeting January 26, 2012 Attachment May 20, 2010 Memo from Deputy Attorney General Tara L. Muller Re The Delta Stewardship Council's ""Responsible Agency"" Role Regarding the Bay Delta Conservation Plan	January 26, 2012				
G	G004707	Delta Stewardship Council Meeting Notice February 9-10, 2012	February 9-10, 2012				
G	G004709	Delta Stewardship Council Meeting Agenda February 9-10, 2012	February 9-10, 2012				
G	G004711	Delta Stewardship Council Meeting February 9-10, 2012 Staff Report Review of Delta Protection Commission's Proposal to Sustain the Delta as an Evolving Place	February 9-10, 2012				
G	G004725	Delta Stewardship Council Meeting February 9-10, 2012 Attachment DPC's Proposal to Protect, Enhance and Sustain the Unique Cultural, Historical, Recreational, Agricultural and Economic Values of the Sacramento-San Joaquin Delta as an Evolving Place	February 9-10, 2012				
G	G004739	Delta Stewardship Council Meeting February 9-10, 2012 Attachment Feasibility Study for a Sacramento-San Joaquin Delta National Heritage Area	February 9-10, 2012				
G	G004929	Delta Stewardship Council Meeting February 9-10, 2012 Attachment Executive Summary - Economic Sustainability Plan for the Sacramento-San Joaquin River Delta	February 9-10, 2012				
G	G004949	Delta Stewardship Council Meeting February 9-10, 2012 Economic Sustainability Plan for the Sacramento-San Joaquin Delta	February 9-10, 2012				
G	G005244	Delta Stewardship Council Meeting February 9-10, 2012 PowerPoint Presentation - Economic Sustainability Plan for the Sacramento San Joaquin Delta	February 9-10, 2012				
G	G005295	Delta Stewardship Council Meeting Notice March 15-16, 2012	March 15-16, 2012				
G	G005297	Delta Stewardship Council Meeting Agenda March 15-16, 2012	March 15-16, 2012				

G	G005299	Delta Stewardship Council Meeting March 15-16, 2012 Staff Report Draft Report to Legislature on Delta Plan Adoption	March 15-16, 2012				
G	G005311	Delta Stewardship Council Meeting March 15-16, 2012 Staff Report Process for Making Recommendations Which Lead to the Next Draft Delta Plan	March 15-16, 2012				
G	G005313	Delta Stewardship Council Meeting March 15-16, 2012 Staff Report Summary of Major Comments, Themes, and Recommendations about the Fifth Staff Draft Delta Plan, EIR Comments, 5th Draft Comments, Independent Science Board Comments, Economic Sustainability Plan Recommendations	March 15-16, 2012				
G	G005316	Delta Stewardship Council Meeting March 15-16, 2012 Attachment Table 1 - Comments Related to Major Policy Changes and Recommendations	March 15-16, 2012				
G	G005327	Delta Stewardship Council Meeting March 15-16, 2012 Attachment Table 2 - Potential Editing/Drafting revisions to 5th Draft Delta Plan Text	March 15-16, 2012				
G	G005331	Delta Stewardship Council Meeting Notice March 29-30, 2012	March 29-30, 2012				
G	G005333	Delta Stewardship Council Meeting Agenda March 29-30, 2012	March 29-30, 2012				
G	G005335	Delta Stewardship Council Meeting March 29-30, 2012 Staff Report Request Direction on Sixth Staff Draft Delta Plan	March 29-30, 2012				
G	G005339	Delta Stewardship Council Meeting March 29-30, 2012 Attachment Table 1 - Major Comments on the 5th Staff Draft Delta Plan and Proposed Alternatives for Addressing Comments	March 29-30, 2012				
G	G005375	Delta Stewardship Council Meeting March 29-30, 2012 Attachment Table 2 - Policies and Recommendations for the Final Staff Draft Delta Plan	March 29-30, 2012				
G	G005394	Delta Stewardship Council Meeting March 29-30, 2012 Attachment Table 3 - Additional Comments for the 5th Staff Draft Delta Plan	March 29-30, 2012				
G	G005453	Delta Stewardship Council Meeting Notice April 26, 2012	April 26, 2012				
G	G005455	Delta Stewardship Council Meeting Agenda April 26, 2012	April 26, 2012				
G	G005457	Delta Stewardship Council Meeting April 26, 2012 Staff Report Update on Development of the Final Staff Draft Delta Plan	April 26, 2012				
G	G005468	Delta Stewardship Council Meeting April 26, 2012 Attachment Summary of Major Delta Plan Comment Themes Received in Comment Letters on Delta Plan DPEIR	April 26, 2012				
G	G005475	Delta Stewardship Council Meeting April 26, 2012 Attachment Proposed Alternatives for Policies and Recommendations for the Draft Delta Plan	April 26, 2012				
G	G005480	Delta Stewardship Council Meeting April 26, 2012 Attachment Bethel Island - Legacy Community Map	April 26, 2012				
G	G005481	Delta Stewardship Council Meeting April 26, 2012 Attachment Delta Plan Fifth and Final Staff Drafts Appendixes	April 26, 2012				
G	G005482	Delta Stewardship Council Meeting April 26, 2012 Attachment Knightsen - Legacy Community Map	April 26, 2012				
G	G005483	Delta Stewardship Council Meeting April 26, 2012 Attachment Freeport - Legacy Community Map	April 26, 2012				
G	G005484	Delta Stewardship Council Meeting April 26, 2012 Attachment Walnut Grove and Locke - Legacy Community Map	April 26, 2012				
G	G005485	Delta Stewardship Council Meeting April 26, 2012 Attachment Hood - Legacy Community Map	April 26, 2012				
G	G005486	Delta Stewardship Council Meeting April 26, 2012 Attachment Ryde - Legacy Community Map	April 26, 2012				

G	G005487	Delta Stewardship Council Meeting April 26, 2012 Attachment Courtland - Legacy Community Map	April 26, 2012				
G	G005488	Delta Stewardship Council Meeting April 26, 2012 Attachment Isleton - Legacy Community Map	April 26, 2012				
G	G005489	Delta Stewardship Council Meeting April 26, 2012 Attachment Clarksburg - Legacy Community Map	April 26, 2012				
G	G005490	Delta Stewardship Council Meeting April 26, 2012 Attachment Rio Vista - Legacy Community Map	April 26, 2012				
G	G005491	Delta Stewardship Council Meeting April 26, 2012 Attachment State Flood Control Facilities within the Legal Boundary of the Delta Map	April 26, 2012				
G	G005492	Delta Stewardship Council Meeting April 26, 2012 Attachment Delta Plan Fifth and Final Staff Drafts Figures and Sidebars	April 26, 2012				
G	G005496	Delta Stewardship Council Meeting April 26, 2012 Attachment Delta Map	April 26, 2012				
G	G005497	Delta Stewardship Council Meeting April 26, 2012 Attachment Chapter Timeline	April 26, 2012				
G	G005499	Delta Stewardship Council Meeting Notice May 24, 2012	May 24, 2012				
G	G005501	Delta Stewardship Council Meeting Revised Agenda May 24, 2012	May 24, 2012				
G	G005503	Delta Stewardship Council Meeting May 24, 2012 Final Staff Report Delta Plan	May 24, 2012				
G	G005513	Delta Stewardship Council Meeting May 24, 2012 Attachment Final Staff Draft Delta Plan	May 24, 2012				
G	G005845	Delta Stewardship Council Meeting May 24, 2012 Attachment Comparison of Final Staff Draft Policies and Recommendations	May 24, 2012				
G	G005872	Delta Stewardship Council Meeting Notice June 14-15, 2012	June 14-15, 2012				
G	G005874	Delta Stewardship Council Meeting Agenda June 14-15, 2012	June 14-15, 2012				
G	G005876	Delta Stewardship Council Meeting June 14-15, 2012 Attachment DSC Staff Proposed Motions for Use in the Council Meeting on June 14-15, 2012	June 14-15, 2012				
G	G005877	Delta Stewardship Council Meeting June 14-15, 2012 Staff Report Delta Independent Science Board Chair's Report	June 14-15, 2012				
G	G005878	Delta Stewardship Council Meeting June 14-15, 2012 Attachment Recommendations from the Delta Independent Science Board on the Sixth Staff Draft of the Delta Plan	June 14-15, 2012				
G	G005897	Delta Stewardship Council Meeting June 14-15, 2012 Staff Report Final Staff Draft Delta Plan	June 14-15, 2012				
G	G005901	Delta Stewardship Council Meeting June 14-15, 2012 Attachment Council Actions Table	June 14-15, 2012				
G	G005904	Delta Stewardship Council Meeting June 14-15, 2012 Attachment Supplemental Materials - Performance Measures from Final Staff Draft Delta Plan, 5/14/12	June 14-15, 2012				
G	G005912	Delta Stewardship Council Meeting June 14-15, 2012 Attachment Supplemental Materials - Staff Errata Table	June 14-15, 2012				
G	G005920	Delta Stewardship Council Meeting June 14-15, 2012 Attachment Supplemental Materials - Policies and Recommendations	June 14-15, 2012				
G	G005937	Delta Stewardship Council Meeting June 14-15, 2012 Attachment Supplemental Materials - Open Issues List	June 14-15, 2012				
G	G005941	Delta Stewardship Council Meeting Notice June 28-29, 2012	June 28-29, 2012				
G	G005943	Delta Stewardship Council Meeting Agenda June 28-29, 2012	June 28-29, 2012				

G	G005945	Delta Stewardship Council Meeting Agenda June 28-29, 2012 Staff Report Finalize Direction to Staff Regarding Preparation of Final Draft Plan	June 28-29, 2012				
G	G005948	Delta Stewardship Council Meeting June 28-29, 2012 Attachment New Proposed Language for WR P1	June 28-29, 2012				
G	G005949	Delta Stewardship Council Meeting June 28-29, 2012 Attachment Council Consent Checklist	June 28-29, 2012				
G	G006012	Delta Stewardship Council Meeting June 28-29, 2012 Attachment Council Action Checklist	June 28-29, 2012				
G	G006026	Delta Stewardship Council Meeting June 28-29, 2012 Attachment Proposed Motion	June 28-29, 2012				
G	G006028	Delta Stewardship Council Meeting Notice July 12, 2012	July 12, 2012				
G	G006030	Delta Stewardship Council Meeting Agenda July 12, 2012	July 12, 2012				
G	G006031	Delta Stewardship Council Meeting July 12, 2012 Attachment Final Staff Motion	July 12, 2012				
G	G006032	Delta Stewardship Council Meeting July 12, 2012 Final Staff Draft Delta Plan	July 12, 2012				
G	G006035	Delta Stewardship Council Meeting July 12, 2012 Attachment Items Carried Over from Council Action Check List	July 12, 2012				
G	G006041	Delta Stewardship Council Meeting July 12, 2012 Attachment Items Pulled By Council Members from Consent List	July 12, 2012				
G	G006046	Delta Stewardship Council Meeting July 12, 2012 Attachment Proposed New WR P1 Language	July 12, 2012				
G	G006048	Delta Stewardship Council Meeting July 12, 2012 Attachment Proposed WR R1 Example	July 12, 2012				
G	G006050	Delta Stewardship Council Meeting July 12, 2012 Proposed New WR P1 Language from Various Agencies/Individuals	July 12, 2012				
G	G006057	Delta Stewardship Council Meeting Notice August 23-24, 2012	August 23-24, 2012				
G	G006059	Delta Stewardship Council Meeting Agenda August 23-24, 2012	August 23-24, 2012				
G	G006061	Delta Stewardship Council Meeting August 23-24, 2012 Staff Report Recommendations Regarding Near-Term Actions	August 23-24, 2012				
G	G006065	Delta Stewardship Council Meeting August 23-24, 2012 Attachment Table 1 - Potential Near-Term Delta Plan Implementation Projects	August 23-24, 2012				
G	G006070	Delta Stewardship Council Meeting August 23-24, 2012 Attachment Table 2 - Potential State funding Sources for Near-Term Projects	August 23-24, 2012				
G	G006072	Delta Stewardship Council Meeting August 23-24, 2012 Attachment Table 3 - Federal Expenditures on Delta-Related Activities	August 23-24, 2012				
G	G006073	Delta Stewardship Council Meeting Notice September 13, 2012	September 13, 2012				
G	G006074	Delta Stewardship Council Meeting Agenda September 13, 2012	September 13, 2012				
G	G006075	Delta Stewardship Council Meeting September 13, 2012 Staff Report Proposed Final Draft Delta Plan	September 13, 2012				
G	G006078	Delta Stewardship Council Meeting September 13, 2012 Attachment Letter from Chair Isenberg and Vice Chair Fiorini	September 13, 2012				
G	G006079	Delta Stewardship Council Meeting September 13, 2012 Staff Report Revised Delta Plan Maps	September 13, 2012				
G	G006080	Delta Stewardship Council Meeting September 13, 2012 Attachment Revised Delta Plan Maps Appendix K Delta Communities	September 13, 2012				

G	G006087	Delta Stewardship Council Meeting September 13, 2012 Attachment Revised Delta Plan Maps Figure 1-3 Revised	September 13, 2012				
G	G006088	Delta Stewardship Council Meeting September 13, 2012 Attachment Revised Delta Plan Maps Figure 5-1 Revised	September 13, 2012				
G	G006089	Delta Stewardship Council Meeting September 13, 2012 Attachment Revised Delta Plan Maps Figure 7-5 Revised	September 13, 2012				
G	G006090	Delta Stewardship Council Meeting September 13, 2012 Staff Report Proposed Final Draft Delta Plan Errata	September 13, 2012				
G	G006095	Delta Stewardship Council Meeting Notice October 25, 2012	October 25, 2012				
G	G006096	Delta Stewardship Council Meeting Agenda October 25, 2012	October 25, 2012				
G	G006097	Delta Stewardship Council Meeting October 25, 2012 Staff Report Near-Term Strategies for Implementation of the Delta Plan	October 25, 2012				
G	G006101	Delta Stewardship Council Meeting October 25, 2012 Attachment Summary of Proposed Near-Term Strategies for Implementation of the Delta Plan	October 25, 2012				
G	G006104	Delta Stewardship Council Meeting October 25, 2012 Staff Report Delta Plan Update	October 25, 2012				
G	G006107	Delta Stewardship Council Meeting Notice November 15, 2012	November 15, 2012				
G	G006109	Delta Stewardship Council Meeting Agenda November 15, 2012	November 15, 2012				
G	G006111	Delta Stewardship Council Meeting November 15, 2012 Staff Report Delta Plan Interagency Implementation Committee Its Mission, Membership, and Organization	November 15, 2012				
G	G006115	Delta Stewardship Council Meeting November 15, 2012 Staff Report Continued Review and Potential Action on Near-Term Strategies for Implementation of the Delta Plan	November 15, 2012				
G	G006118	Delta Stewardship Council Meeting November 15, 2012 Attachment ""Short List"" Near-Term Strategies	November 15, 2012				
G	G006119	Delta Stewardship Council Meeting Notice December 13, 2012	December 13, 2012				
G	G006121	Delta Stewardship Council Meeting Agenda December 13, 2012	December 13, 2012				
G	G006123	Delta Stewardship Council Meeting December 13, 2012 Staff Report Overview of Final Draft Delta Plan, Recirculated Draft Program EIR and Schedule	December 13, 2012				
G	G006127	Delta Stewardship Council Meeting December 13, 2012 Attachment List of Errata for the November 2012 Final Draft Delta Plan	December 13, 2012				
G	G006131	Delta Stewardship Council Meeting December 13, 2012 Attachment Executive Summary for Recirculated Draft PEIR (Volume 3)	December 13, 2012				
G	G006203	Delta Stewardship Council Meeting December 13, 2012 Staff Report Overview of Draft Rulemaking Package	December 13, 2012				
G	G006209	Delta Stewardship Council Meeting December 13, 2012 Attachment ""How to Participate in the Rulemaking Process"" Pages 1-10 of Overview Document	December 13, 2012				
G	G006219	Delta Stewardship Council Meeting December 13, 2012 Staff Report Continued Review on Near-Term Strategies for Implementation of the Delta Plan	December 13, 2012				
G	G006224	Delta Stewardship Council Meeting December 13, 2012 Attachment Draft List of Ongoing Delta Program and Projects	December 13, 2012				
G	G006239	Delta Stewardship Council Meeting December 13, 2012 Attachment List of Projects Proposed by the Delta Conservancy	December 13, 2012				

G	G006246	Delta Stewardship Council Meeting December 13, 2012 Attachment Draft List of Projects that Implement the Near-Term Strategies	December 13, 2012				
G	G006255	Delta Stewardship Council Meeting Notice January 11, 2013 - Hearing to Receive Public Comments on the Final Draft Delta Plan, Recirculated Draft Programmatic Environmental Impact Report and Proposed Rulemaking Package	January 11, 2013				
G	G006256	Delta Stewardship Council Meeting January 11, 2013 PowerPoint Presentation - Delta Plan Overview	January 11, 2013				
G	G006275	Delta Stewardship Council Meeting Notice January 24, 2013 - Hearing to Receive Public Comments on the Proposed Rulemaking Package	January 24, 2013				
G	G006277	Delta Stewardship Council Meeting Agenda January 24, 2013 - Hearing to Receive Public Comments on the Proposed Rulemaking Package	January 24, 2013				
G	G006279	Delta Stewardship Council Meeting Notice February 21, 2013	February 21, 2013				
G	G006281	Delta Stewardship Council Meeting Agenda February 21, 2013	February 21, 2013				
G	G006283	Delta Stewardship Council Meeting February 21, 2013 Staff Report Delta Plan	February 21, 2013				
G	G006289	Delta Stewardship Council Meeting February 21, 2013 Attachment ""Consideration of Public Input"" Rulemaking under the California APA from OAL	February 21, 2013				
G	G006292	Delta Stewardship Council Meeting February 21, 2013 Attachment Timeline of Milestones and Key Interim Steps for Finalizing the Delta Plan, its Regulations and the Delta Plan FPEIR	February 21, 2013				
G	G006293	Delta Stewardship Council Meeting February 21, 2013 Staff Report The Bay Delta Conservation Plan Implementation Structure	February 21, 2013				
G	G006297	Delta Stewardship Council Meeting February 21, 2013 Attachment Draft Implementation Structure for the Bay Delta Conservation Plan (12/12/12)	February 21, 2013				
G	G006332	Delta Stewardship Council Meeting Notice March 28-29, 2013	March 28-29, 2013				
G	G006334	Delta Stewardship Council Meeting Agenda March 28-29, 2013	March 28-29, 2013				
G	G006337	Delta Stewardship Council Meeting March 28-29, 2013 Staff Report Delta Plan	March 28-29, 2013				
G	G006342	Delta Stewardship Council Meeting March 28-29, 2013 Attachment Draft Resolutions for Council Action, March 28-29, 2013	March 28-29, 2013				
G	G006343	Delta Stewardship Council Meeting March 28-29, 2013 Attachment Delta Plan Development Process	March 28-29, 2013				
G	G006344	Delta Stewardship Council Meeting March 28-29, 2013 Staff Report Finalize Direction to Staff Regarding Delta Plan Environmental Impact Report	March 28-29, 2013				
G	G006351	Delta Stewardship Council Meeting March 28-29, 2013 Attachment How the Delta Plan Meets the EIR Project Objectives	March 28-29, 2013				
G	G006354	Delta Stewardship Council Meeting March 28-29, 2013 Attachment Comparison of Alternatives: Ability to Satisfy Delta Reform Act's Coequal Goals and Inherent Objectives	March 28-29, 2013				
G	G006371	Delta Stewardship Council Meeting March 28-29, 2013 Attachment Draft Delta Plan PEIR Compilation of Mitigation Measures (Including Planned Language Refinements)	March 28-29, 2013				
G	G006444	Delta Stewardship Council Meeting March 28-29, 2013 Staff Report Finalize Direction to Staff Regarding Rulemaking Package	March 28-29, 2013				

G	G006448	Delta Stewardship Council Meeting March 28-29, 2013 Attachment Matrix with Staff Proposed Revisions to Draft Regulations, Including Summary of Comments and Rationale for Changes	March 28-29, 2013				
G	G006470	Delta Stewardship Council Meeting March 28-29, 2013 Attachment Maps of Areas where the Feasibility of Setting Back Levees must be Evaluated pursuant to Sec 5008	March 28-29, 2013				
G	G006471	Delta Stewardship Council Meeting March 28-29, 2013 Attachment Revisions to Delta Community Maps including Hood, Freeport, City of Tracy and City of Lathrop	March 28-29, 2013				
G	G006475	Delta Stewardship Council Meeting March 28-29, 2013 Attachment APA Process Consideration of Public Input	March 28-29, 2013				
G	G006478	Delta Stewardship Council Meeting March 28-29, 2013 Staff Report Finalize Direction to Staff Regarding Delta Plan	March 28-29, 2013				
G	G006480	Delta Stewardship Council Meeting March 28-29, 2013 Attachment Consent Checklist	March 28-29, 2013				
G	G006489	Delta Stewardship Council Meeting Notice April 25, 2013	April 25, 2013				
G	G006491	Delta Stewardship Council Meeting Agenda April 25, 2013	April 25, 2013				
G	G006493	Delta Stewardship Council Meeting April 25, 2013 Staff Report Discussion of Delta Plan Executive Summary	April 25, 2013				
G	G006494	Delta Stewardship Council Meeting April 25, 2013 Attachment Draft Executive Summary for Final Delta Plan	April 25, 2013				
G	G006505	Delta Stewardship Council Meeting April 25, 2013 Staff Report Delta Plan Implementation Strategy	April 25, 2013				
G	G006511	Delta Stewardship Council Meeting April 25, 2013 Attachment Delta Plan Implementation Committee	April 25, 2013				
G	G006514	Delta Stewardship Council Meeting April 25, 2013 Attachment Near-Term Delta Plan Implementation Tasks	April 25, 2013				
H. CEQA NOTICES AND ASSOCIATED PUBLICATION/DISTRIBUTION; DELTA PLAN/REGULATIONS ADOPTION NOTICES							
Notice of Preparation							
H	H000001	Notice of Preparation	December 10, 2010				
H	H000045	Notice of Preparation Distribution List	December 15, 2010				
H	H000053	Website Screenshot of 12/10/2010 Notice of Preparation, Posted on December 14, 2010	December 14, 2010				
Notice of Availability - Draft PEIR							
H	H000054	Notice of Availability Draft PEIR County Clerk Mailing List	October 25, 2011				
H	H000056	Notice of Availability Draft PEIR Mailing Distribution List	October 26, 2011				
H	H000082	Notice of Availability Draft PEIR Mailing Distribution List Addendum	October 28, 2011				
H	H000084	Notice of Availability Draft PEIR Mailing Distribution List Addendum 2	October 28, 2011				
H	H000085	Transmittal Form Sent to County Clerks With Instructions for Posting of the Draft PEIR NOA	October 28, 2011		Note: this transmittal form was mailed to each County Clerk's office with the DPEIR NOA.		
H	H000086	DPEIR NOA Documentation: Alameda County Clerk	Oct 2011				
H	H000087	DPEIR NOA Documentation: Alpine County Clerk	Nov 2011				
H	H000091	DPEIR NOA Documentation: Amador County Clerk	Oct/Nov 2011 and Mar 2012				

H	H000102	DPEIR NOA Documentation: Butte County Clerk	Oct 2011				
H	H000103	DPEIR NOA Documentation: Calaveras County Clerk	Oct 2011 and Jan 2012				
H	H000108	DPEIR NOA Documentation: Colusa County Clerk	Oct 2011				
H	H000109	DPEIR NOA Documentation: Contra Costa County Clerk	Oct/Nov 2011				
H	H000128	DPEIR NOA Documentation: Del Norte County Clerk	Nov 2011				
H	H000132	DPEIR NOA Documentation: El Dorado County Clerk	Nov 2011				
H	H000139	DPEIR NOA Documentation: Fresno County Clerk	Oct/Nov/Dec 2011				
H	H000151	DPEIR NOA Documentation: Glenn County Clerk	Oct/Nov 2011				
H	H000155	DPEIR NOA Documentation: Humboldt County Clerk	Oct 2011 and Jan 2012				
H	H000163	DPEIR NOA Documentation: Imperial County Clerk	Oct/Nov 2011				
H	H000173	DPEIR NOA Documentation: Inyo County Clerk	Nov 2011 and Jan 2012				
H	H000184	DPEIR NOA Documentation: Kern County Clerk	Nov 2011				
H	H000188	DPEIR NOA Documentation: Kings County Clerk	Nov 2011				
H	H000194	DPEIR NOA Documentation: Lake County Clerk	Oct/Nov 2011				
H	H000199	DPEIR NOA Documentation: Lassen County Clerk	Oct 2011 and Jan 2012				
H	H000206	DPEIR NOA Documentation: Los Angeles County Clerk	Nov/Dec 2011				
H	H000214	DPEIR NOA Documentation: Madera County Clerk	Oct/Nov 2011				
H	H000219	DPEIR NOA Documentation: Marin County Clerk	Nov 2011				
H	H000220	DPEIR NOA Documentation: Mariposa County Clerk	October 31, 2011				
H	H000224	DPEIR NOA Documentation: Mendocino County Clerk	October 31, 2011				
H	H000228	DPEIR NOA Documentation: Merced County Clerk	Oct/Nov 2011 and Jan 2012				
H	H000236	DPEIR NOA Documentation: Modoc County Clerk	October 31, 2011				
H	H000240	DPEIR NOA Documentation: Mono County Clerk	November 3, 2011				
H	H000244	DPEIR NOA Documentation: Monterey County Clerk	October 31, 2011				
H	H000248	DPEIR NOA Documentation: Napa County Clerk	Oct/Nov 2011				
H	H000252	DPEIR NOA Documentation: Nevada County Clerk	Nov/Dec 2011				
H	H000262	DPEIR NOA Documentation: Orange County Clerk	October 31, 2011				
H	H000268	DPEIR NOA Documentation: Placer County Clerk	Nov/Dec 2011				
H	H000272	DPEIR NOA Documentation: Plumas County Clerk	Oct/Nov 2011				
H	H000276	DPEIR NOA Documentation: Riverside County Clerk	Oct/Nov/Dec 2011				
H	H000282	DPEIR NOA Documentation: Sacramento County Clerk	Oct/Nov/Dec 2011				
H	H000291	DPEIR NOA Documentation: San Benito County Clerk	November 3, 2011				
H	H000295	DPEIR NOA Documentation: San Bernardino County Clerk	Nov 2011				
H	H000299	DPEIR NOA Documentation: San Diego County Clerk	Oct/Nov/Dec 2011				
H	H000320	DPEIR NOA Documentation: San Francisco County Clerk	October 31, 2011				
H	H000324	DPEIR NOA Documentation: San Joaquin County Clerk	October 31, 2011				
H	H000328	DPEIR NOA Documentation: San Luis Obispo County Clerk	October 31, 2011				
H	H000332	DPEIR NOA Documentation: San Mateo County Clerk	October 31, 2011				
H	H000337	DPEIR NOA Documentation: Santa Barbara County Clerk	Nov 2011				
H	H000342	DPEIR NOA Documentation: Santa Clara County Clerk	Oct/Nov 2011 and Jan 2012				
H	H000363	DPEIR NOA Documentation: Santa Cruz County Clerk	November 2, 2011				

H	H000367	DPEIR NOA Documentation: Shasta County Clerk	Oct 2011 and Feb 2012				
H	H000376	DPEIR NOA Documentation: Sierra County Clerk	October 31, 2011				
H	H000380	DPEIR NOA Documentation: Siskiyou County Clerk	Oct/Nov 2011				
H	H000388	DPEIR NOA Documentation: Solano County Clerk	Oct/Nov/Dec 2011 and Jan 2012				
H	H000400	DPEIR NOA Documentation: Sonoma County Clerk	Oct/Nov 2011				
H	H000404	DPEIR NOA Documentation: Stanislaus County Clerk	Oct/Nov 2011 and Jan 2012				
H	H000411	DPEIR NOA Documentation: Sutter County Clerk	Oct/Nov 2011				
H	H000415	DPEIR NOA Documentation: Tehama County Clerk	October 31, 2011				
H	H000416	DPEIR NOA Documentation: Trinity County Clerk	November 9, 2011				
H	H000417	DPEIR NOA Documentation: Tulare County Clerk	Oct 2011 and Jan 2012				
H	H000425	DPEIR NOA Documentation: Tuolumne County Clerk	Oct/Nov 2011				
H	H000430	DPEIR NOA Documentation: Ventura County Clerk	Oct/Dec 2011				
H	H000438	DPEIR NOA Documentation: Yolo County Clerk	Oct/Nov 2011				
H	H000443	DPEIR NOA Documentation: Yuba County Clerk	Oct 2011 and Jan 2012				
H	H000448	Draft PEIR NOA - Stamped Received NOA from Anonymous - Envelope Postmarked in Redding, CA	October 31, 2011				
H	H000452	Draft PEIR NOA - Stamped Received NOA from Anonymous 2 - Envelope Postmarked in Sacramento, CA	October 31, 2011				
H	H000456	Draft PEIR NOA - Stamped Received NOA from Anonymous 4 - Envelope Postmarked in San Francisco, CA	October 31, 2011				
H	H000460	Draft PEIR NOA - Stamped Received NOA from Anonymous 3 - Envelope Postmarked in Oakland, CA	November 1, 2011				
H	H000465	Website of Downloadable NOA for the Draft PEIR - screenshot shows record of upload of the NOA to the DSC website on 11/2/2011	November 2, 2011				
H	H000466	Notice of Availability Draft PEIR	November 3, 2011				
H	H000469	Website of Downloadable Draft PEIR - screenshots show record of original upload of DPEIR executive summary, contents, chapters and appendices	November 3, 2011				
H	H000477	Draft PEIR Library Distribution List - Executive Summary: List of libraries to receive a hard copy of the executive summary of the Draft Delta Plan PEIR and an electronic copy of the full document on CD	November 3, 2011				
H	H000478	Draft PEIR Library Distribution List - Full Document: List of libraries to receive a full hard copy of the Draft Delta Plan PEIR	November 3, 2011				
H	H000479	Newspaper Publishing - Proof of Publication of the DPEIR NOA in the Bakersfield Californian on 11/3/2011, copy of the printed newspaper article, and advertising invoice	November 3, 2011				
H	H000482	Newspaper Publishing - Affidavit of Publication of the DPEIR NOA in the Chico Enterprise-Record on 11/3/2011, and Advertising Order Confirmation	November 3, 2011				
H	H000484	Newspaper Publishing - Proof of Publication of the DPEIR NOA in the Contra Costa Times on 11/3/2011, text of the NOA and receipt of payment	November 3, 2011				
H	H000487	Newspaper Publishing - Proof of Publication of the DPEIR NOA in the Fresno Bee on 11/3/2011, copy of printed newspaper article and advertising invoice	November 3, 2011				

H	H000490	Newspaper Publishing - Declaration of Publication of the DPEIR NOA in the Modesto Bee on 11/3/2011, copy of the printed newspaper article, and receipt of payment	November 3, 2011				
H	H000493	Newspaper Publishing - Proof of Publication of the DPEIR NOA in the Monterey County Herald on 11/3/2011 and text of the NOA	November 3, 2011				
H	H000495	Newspaper Publishing - Proof of Publication of the DPEIR NOA in the Oakland Tribune on 11/3/2011, copy of the printed newspaper article and receipt of payment	November 3, 2011				
H	H000498	Newspaper Publishing - Affidavit of Publication of the DPEIR NOA in the Orange County Register on 11/3/2011, copy of the printed newspaper article and receipt of payment	November 3, 2011				
H	H000500	Newspaper Publishing - Certificate of Publication of the DPEIR NOA in the Redding Record Searchlight on 11/3/2011, copy of the printed newspaper article and receipt of payment	November 3, 2011				
H	H000502	Newspaper Publishing - Proof of Publication of the DPEIR NOA in the Riverside Press-Enterprise on 11/3/2011, copy of the printed newspaper article and newspaper publishing invoice	November 3, 2011				
H	H000504	Newspaper Publishing - Declaration of Publication of the DPEIR NOA in the Sacramento Bee on 11/3/2011, copy of the printed newspaper article, a nd newspaper publishing invoice	November 3, 2011				
H	H000506	Newspaper Publishing - Proof of Publication of the DPEIR NOA in the San Jose Mercury News on 11/3/2011, copy of the printed newspaper article, and advertising order confirmation	November 3, 2011				
H	H000508	Newspaper Publishing - Affidavit of Publication of the DPEIR NOA in the San Luis Obispo Tribune on 11/3/2011, copy of the printed newspaper article, and receipt of payment	November 3, 2011				
H	H000510	Newspaper Publishing - Proof of Publication of the DPEIR NOA in the Stockton Record on 11/3/2011, copy of the printed newspaper article, and newspaper publishing invoice	November 3, 2011				
H	H000513	Newspaper Publishing - Certificate of Publication of the DPEIR NOA in the Ventura County Start on 11/3/2011, copy of the printed newspaper article, and receipt of payment	November 3, 2011				
H	H000516	Newspaper Publishing - Affidavit of Publication of the DPEIR NOA in the San Diego Union-Tribune on 11/3/2011, copy of the printed newspaper article, and newspaper publishing invoice	November 3, 2011				
H	H000518	Newspaper Publishing - Proof of Publication of the DPEIR NOA in the Los Angeles Times on 11/3/2011, copy of the printed newspaper article, and newspaper publishing invoice	November 3, 2011				
H	H000520	Newspaper Publishing - Copy of the 11/4/2011 page of the Santa Barbara News-Press with the DPEIR NOA, and receipt of payment	November 4, 2011				
H	H000522	Newspaper Publishing - Copy of the 11/4/2011 page of the San Francisco Chronicle with the DPEIR NOA and classified advertising invoice	November 4, 2011				
H	H000524	Alameda County Library FedEx Shipping Label	November 7, 2011				
H	H000525	Butte County Library FedEx Shipping Label	November 7, 2011				
H	H000526	Contra Costa County Library FedEx Shipping Label	November 7, 2011				
H	H000527	El Centro Public Library FedEx Shipping Label	November 7, 2011				
H	H000528	Inyo County Library FedEx Shipping Label	November 7, 2011				

H	H000529	Kern County Library FedEx Shipping Label	November 7, 2011				
H	H000530	Marin County Library FedEx Shipping Label	November 7, 2011				
H	H000531	Mendocino County Library FedEx Shipping Label	November 7, 2011				
H	H000532	Merced County Library FedEx Shipping Label	November 7, 2011				
H	H000533	NapaCity-County Library FedEx Shipping Label	November 7, 2011				
H	H000534	Riverside Public Library FedEx Shipping Label	November 7, 2011				
H	H000535	Sacramento County Library FedEx Shipping Label	November 7, 2011				
H	H000536	San Benito County Library FedEx Shipping Label	November 7, 2011				
H	H000537	San Bernardino Public Library FedEx Shipping Label	November 7, 2011				
H	H000538	San Diego PublicLibrary FedEx Shipping Label	November 7, 2011				
H	H000539	San Francisco Public Library FedEx Shipping Label	November 7, 2011				
H	H000540	San Jose Public Library FedEx Shipping Label	November 7, 2011				
H	H000541	San Mateo County Library FedEx Shipping Label	November 7, 2011				
H	H000542	Santa Cruz County Library FedEx Shipping Label	November 7, 2011				
H	H000543	Shasta County Library FedEx Shipping Label	November 7, 2011				
H	H000544	Sierra County Library FedEx Shipping Label	November 7, 2011				
H	H000545	Siskiyou County Library FedEx Shipping Label	November 7, 2011				
H	H000546	Solano County Library FedEx Shipping Label	November 7, 2011				
H	H000547	Stanislaus County Library FedEx Shipping Label	November 7, 2011				
H	H000548	Stockton-SanJoaquin County Library FedEx Shipping Label	November 7, 2011				
H	H000549	Tehama County Library FedEx Shipping Label	November 7, 2011				
H	H000550	Tulare CountyLibrary FedEx Shipping Label	November 7, 2011				
H	H000551	Notice of Extension of Comment Period Draft PEIR: First Extension	November 9, 2011				
H	H000554	Memorandum documenting correspondence with County Clerks who had not returned a stamped copy of the NOA to the Delta Stewardship Council as of November 10, 2011, and documenting which counties NOAs were resent to.	November 10, 2011				
H	H000557	Website of Downloadable Extension Notice for Comments on the Draft PEIR - screenshot shows record of upload of the Notice of Extension to the DSC website on 11/21/2011, and a copy of the Notice is attached.	November 21, 2011				
H	H000559	"Notice of Extension of Comment Period Draft PEIR and Notice of Correction: Second Extension	Nov 2011				
H	H000565	Newsletter story on the DSC website announcing the Notice of Extension of the DPEIR Comment Period to February 2, 2012.	December, 2011				
H	H000568	Draft PEIR NOA - Posting Confirmation from Anonymous - Envelope not Postmarked	January 4, 2012				
H	H000574	OPR Letter Regarding Closeout of Comment Period on DPEIR	January 4, 2012				
Notice of Completion - Draft Peir							
H	H000577	Notice of Completion Draft PEIR Received and Stamped by State Clearing House	November 3, 2011				
Notice of Availability - Recirculated Draft Peir							
H	H000582	Notice of Availability Recirculated Draft PEIR	November 21, 2012				
H	H000585	Notice of Availability Recirculated Draft PEIR County Clerk Mailing List	November 21, 2012				
H	H000587	Notice of Availability Recirculated Draft PEIR Mailing Distribution List	November 24, 2012				
H	H000627	Mailing Confirmation for Recirculated DEIR NOA and APA Rulemaking Notice	November 27, 2012				

H	H000630	Notice of Availability Recirculated Draft PEIR E-mail Distribution List	November 26, 2012				
H	H000640	Recirculated Draft PEIR Library Distribution List - Executive Summary: List of libraries to receive a hard copy of the executive summary of the Recirculated Draft Delta Plan PEIR and an electronic copy of the full document on CD	November 26, 2012				
H	H000642	Recirculated Draft PEIR Library Distribution List - Full Document: List of libraries to receive a full hard copy of the Recirculated Draft Delta Plan PEIR	November 26, 2012				
H	H000644	Mailing enclosure list enclosing Recirculated DEIR NOA and APA Rulemaking notice	November 27, 2012				
H	H000645	RDPEIR Fed Ex Label - Alameda County Library	November 26, 2012				
H	H000646	RDPEIR Fed Ex Label - Amador County Library	November 26, 2012				
H	H000647	RDPEIR Fed Ex Label - Butte County Library	November 26, 2012				
H	H000648	RDPEIR Fed Ex Label - Calaveras County Library	November 26, 2012				
H	H000649	RDPEIR Fed Ex Label - Colusa County Library	November 26, 2012				
H	H000650	RDPEIR Fed Ex Label - Contra Costa County Library	November 26, 2012				
H	H000651	RDPEIR Fed Ex Label - Del Norte County Library	November 26, 2012				
H	H000652	RDPEIR Fed Ex Label - El Dorado County Library	November 26, 2012				
H	H000653	RDPEIR Fed Ex Label - Fresno County Library	November 26, 2012				
H	H000654	RDPEIR Fed Ex Label - Humboldt County Library	November 26, 2012				
H	H000655	RDPEIR Fed Ex Label - Imperial County Library	November 26, 2012				
H	H000656	RDPEIR Fed Ex Label - Inyo County Library	November 26, 2012				
H	H000657	RDPEIR Fed Ex Label - Kern County Library	November 26, 2012				
H	H000658	RDPEIR Fed Ex Label - Kings County Library	November 26, 2012				
H	H000659	RDPEIR Fed Ex Label - Lake County Library	November 26, 2012				
H	H000660	RDPEIR Fed Ex Label - Lassen County Library	November 26, 2012				
H	H000661	RDPEIR Fed Ex Label - Los Angeles County Library	November 26, 2012				
H	H000662	RDPEIR Fed Ex Label - Madera County Library	November 26, 2012				
H	H000663	RDPEIR Fed Ex Label - Marin County Library	November 26, 2012				
H	H000664	RDPEIR Fed Ex Label - Mariposa County Library	November 26, 2012				
H	H000665	RDPEIR Fed Ex Label - Mendocino County Library	November 26, 2012				
H	H000666	RDPEIR Fed Ex Label - Merced County Library	November 26, 2012				
H	H000667	RDPEIR Fed Ex Label - Modoc County Library	November 26, 2012				
H	H000668	RDPEIR Fed Ex Label - Mono County Library	November 26, 2012				
H	H000669	RDPEIR Fed Ex Label - Monterey County Library	November 26, 2012				
H	H000670	RDPEIR Fed Ex Label - Napa City-County Library	November 26, 2012				
H	H000671	RDPEIR Fed Ex Label - Nevada County Library	November 26, 2012				
H	H000672	RDPEIR Fed Ex Label - Orland-Glenn County Library	November 26, 2012				
H	H000673	RDPEIR Fed Ex Label - Placer County Library	November 26, 2012				
H	H000674	RDPEIR Fed Ex Label - Plumas County Library	November 26, 2012				
H	H000675	RDPEIR Fed Ex Label - Riverside County Library	November 26, 2012				
H	H000676	RDPEIR Fed Ex Label - Sacramento County Library	November 26, 2012				
H	H000677	RDPEIR Fed Ex Label - San Francisco County Library	November 26, 2012				
H	H000678	RDPEIR Fed Ex Label - San Diego County Library	November 26, 2012				
H	H000679	RDPEIR Fed Ex Label - San Luis Obispo County Library	November 26, 2012				
H	H000680	RDPEIR Fed Ex Label - San Mateo County Library	November 26, 2012				
H	H000681	RDPEIR Fed Ex Label - Santa Clara County Library	November 26, 2012				

H	H000682	RDPEIR Fed Ex Label - Santa Cruz County Library	November 26, 2012				
H	H000683	RDPEIR Fed Ex Label - Stockton-San Joaquin County Library	November 26, 2012				
H	H000684	RDPEIR Fed Ex Label - Shasta County Library	November 26, 2012				
H	H000685	RDPEIR Fed Ex Label - Siskiyou County Library	November 26, 2012				
H	H000686	RDPEIR Fed Ex Label - Solano County Library	November 26, 2012				
H	H000687	RDPEIR Fed Ex Label - Sonoma County Library	November 26, 2012				
H	H000688	RDPEIR Fed Ex Label - Stanislaus County Library	November 26, 2012				
H	H000689	RDPEIR Fed Ex Label - Sutter County Library	November 26, 2012				
H	H000690	RDPEIR Fed Ex Label - Tehama County Library	November 26, 2012				
H	H000691	RDPEIR Fed Ex Label - Trinity County Library	November 26, 2012				
H	H000692	RDPEIR Fed Ex Label - Tulare County Library	November 26, 2012				
H	H000693	RDPEIR Fed Ex Label - Tuolumne County Library	November 26, 2012				
H	H000694	RDPEIR Fed Ex Label - Ventura County Library	November 26, 2012				
H	H000695	RDPEIR Fed Ex Label - Yolo County Library	November 26, 2012				
H	H000696	RDPEIR Fed Ex Label - Yuba County Library	November 26, 2012				
H	H000697	Website of Downloadable Recirculated Draft PEIR - screenshot shows record of upload of the Recirculated Draft PEIR to the DSC website on 11/26/2012	November 26, 2012				
H	H000698	Website of Downloadable NOA for the Recirculated Draft PEIR - screenshots include download web page and the record of the last update to the downloadable files (11/27/2012)	November 27, 2012				
H	H000700	Transmittal Form Sent to County Clerks via Certified USPS Mail With Instructions for Posting of the Recirculated Draft PEIR NOA	November 27, 2012		Note: this transmittal form was mailed to each County Clerk's office with the DPEIR NOA.		
H	H000701	Transmittal Form Sent to County Clerks via Fed Ex Priority Overnight Delivery With Instructions for Posting of the Recirculated Draft PEIR NOA	November 27, 2012		Note: this transmittal form was delivered via FedEx to each County Clerk's office for which a signed USPS Certified Returned Receipt had not been received in the DSC office by 11/27/2012, to ensure receipt of the NOA by all County Clerks for posting by 11/29/2012.		
H	H000702	RDPEIR NOA Documentation: Alameda County Clerk	Nov 2012				
H	H000706	RDPEIR NOA Documentation: Alpine County Clerk	Nov 2012 and Jan 2013				
H	H000712	RDPEIR NOA Documentation: Amador County Clerk	Nov 2012				
H	H000717	RDPEIR NOA Documentation: Butte County Clerk	Nov 2012				
H	H000719	RDPEIR NOA Documentation: Calaveras County Clerk	Nov 2012				
H	H000724	RDPEIR NOA Documentation: Colusa County Clerk	Nov 2012				
H	H000735	RDPEIR NOA Documentation: Contra Costa County Clerk	Nov 2012				
H	H000741	RDPEIR NOA Documentation: Del Norte County Clerk	Nov 2012				
H	H000753	RDPEIR NOA Documentation: El Dorado County Clerk	Nov 2012 and Feb 2013				

H	H000760	RDPEIR NOA Documentation: Fresno County Clerk	Nov 2012				
H	H000770	RDPEIR NOA Documentation: Glenn County Clerk	Nov 2012				
H	H000780	RDPEIR NOA Documentation: Humboldt County Clerk	Nov 2012				
H	H000790	RDPEIR NOA Documentation: Imperial County Clerk	Nov 2012				
H	H000798	RDPEIR NOA Documentation: Inyo County Clerk	Nov 2012				
H	H000808	RDPEIR NOA Documentation: Kern County Clerk	Nov 2012				
H	H000818	RDPEIR NOA Documentation: Kings County Clerk	Nov 2012				
H	H000828	RDPEIR NOA Documentation: Lake County Clerk	Nov 2012 and Jan 2013				
H	H000835	RDPEIR NOA Documentation: Lassen County Clerk	Nov 2012				
H	H000845	RDPEIR NOA Documentation: Los Angeles County Clerk	Nov/Dec 2012 and Jan 2013				
H	H000861	RDPEIR NOA Documentation: Madera County Clerk	Nov 2012				
H	H000871	RDPEIR NOA Documentation: Marin County Clerk	Nov/Dec 2012				
H	H000879	RDPEIR NOA Documentation: Mariposa County Clerk	Nov 2012 and Jan 2013				
H	H000885	RDPEIR NOA Documentation: Mendocino County Clerk	Nov 2012				
H	H000892	RDPEIR NOA Documentation: Merced County Clerk	Nov 2012 and Jan 2013				
H	H000909	RDPEIR NOA Documentation: Modoc County Clerk	Nov 2012				
H	H000912	RDPEIR NOA Documentation: Mono County Clerk	Nov/Dec 2012 and Jan 2013				
H	H000921	RDPEIR NOA Documentation: Monterey County Clerk	Nov 2012				
H	H000931	RDPEIR NOA Documentation: Napa County Clerk	Nov/Dec 2012				
H	H000938	RDPEIR NOA Documentation: Nevada County Clerk	Nov 2012				
H	H000945	RDPEIR NOA Documentation: Orange County Clerk	Nov 2012				
H	H000959	RDPEIR NOA Documentation: Placer County Clerk	Nov 2012				
H	H000966	RDPEIR NOA Documentation: Plumas County Clerk	Nov 2012				
H	H000971	RDPEIR NOA Documentation: Riverside County Clerk	Nov 2012 and Jan 2013				
H	H000981	RDPEIR NOA Documentation: Sacramento County Clerk	Nov and Jan 2013				
H	H000995	RDPEIR NOA Documentation: San Benito County Clerk	Nov 2012				
H	H001005	RDPEIR NOA Documentation: San Bernardino County Clerk	Nov/Dec 2012				
H	H001016	RDPEIR NOA Documentation: San Diego County Clerk	Nov 2012 and Jan 2013				
H	H001027	RDPEIR NOA Documentation: San Francisco County Clerk	Nov 2012 and Jan 2013				
H	H001034	RDPEIR NOA Documentation: San Joaquin County Clerk	Nov 2012				
H	H001044	RDPEIR NOA Documentation: San Luis Obispo County Clerk	Nov 2012				
H	H001048	RDPEIR NOA Documentation: San Mateo County Clerk	Nov 2012				
H	H001060	RDPEIR NOA Documentation: Santa Barbara County Clerk	Nov/Dec 2012				
H	H001066	RDPEIR NOA Documentation: Santa Clara County Clerk	Nov 2012				
H	H001076	RDPEIR NOA Documentation: Santa Cruz County Clerk	Nov 2012				
H	H001080	RDPEIR NOA Documentation: Shasta County Clerk	Nov/Dec 2012				
H	H001087	RDPEIR NOA Documentation: Sierra County Clerk	Nov/Dec 2012				
H	H001090	RDPEIR NOA Documentation: Siskiyou County Clerk	Nov/Dec 2012				

H	H001106	RDPEIR NOA Documentation: Solano County Clerk	Nov 2012 and Feb 2013				
H	H001124	RDPEIR NOA Documentation: Sonoma County Clerk	Nov 2012				
H	H001134	RDPEIR NOA Documentation: Stanislaus County Clerk	Nov 2012 and Jan 2013				
H	H001141	RDPEIR NOA Documentation: Sutter County Clerk	Nov 2012				
H	H001146	RDPEIR NOA Documentation: Tehama County Clerk	Nov 2012				
H	H001153	RDPEIR NOA Documentation: Trinity County Clerk	Nov 2012 and Jan 2013				
H	H001159	RDPEIR NOA Documentation: Tulare County Clerk	Nov 2012				
H	H001163	RDPEIR NOA Documentation: Tuolumne County Clerk	Nov 2012				
H	H001168	RDPEIR NOA Documentation: Ventura County Clerk	Nov 2012 and Feb 2013				
H	H001181	RDPEIR NOA Documentation: Yolo County Clerk	Nov 2012				
H	H001186	RDPEIR NOA Documentation: Yuba County Clerk	Nov 2012				
H	H001191	RDPEIR Fed Ex Label - Markleeville Library	November 27, 2012				
H	H001192	RDPEIR Fed Ex Label - Orange County Library	November 27, 2012				
H	H001193	RDPEIR Fed Ex Label - San Benito County Library	November 27, 2012				
H	H001194	RDPEIR Fed Ex Label - Santa Barbara County Library	November 27, 2012				
H	H001195	RDPEIR Fed Ex Label - Sierra County Library	November 27, 2012				
H	H001196	RDPEIR Fed Ex Delivery Confirmation - Alameda County Library	November 27, 2012				
H	H001198	RDPEIR Fed Ex Delivery Confirmation - Butte County Library	November 27, 2012				
H	H001200	RDPEIR Fed Ex Delivery Confirmation - Contra Costa County Library	November 27, 2012				
H	H001202	RDPEIR Fed Ex Delivery Confirmation - Kern County Library	November 27, 2012				
H	H001204	RDPEIR Fed Ex Delivery Confirmation - Inyo County Library	November 27, 2012				
H	H001206	RDPEIR Fed Ex Delivery Confirmation - Marin County Library	November 27, 2012				
H	H001208	RDPEIR Fed Ex Delivery Confirmation - Mendocino County Library	November 27, 2012				
H	H001210	RDPEIR Fed Ex Delivery Confirmation - Merced County Library	November 27, 2012				
H	H001212	RDPEIR Fed Ex Delivery Confirmation - Napa County Library	November 27, 2012				
H	H001214	RDPEIR Fed Ex Delivery Confirmation - Riverside County Library	November 27, 2012				
H	H001216	RDPEIR Fed Ex Delivery Confirmation - Sacramento County Library	November 27, 2012				
H	H001218	RDPEIR Fed Ex Delivery Confirmation - San Diego County Library	November 27, 2012				
H	H001220	RDPEIR Fed Ex Delivery Confirmation - San Francisco County Library	November 27, 2012				
H	H001222	RDPEIR Fed Ex Delivery Confirmation - San Joaquin County Library	November 27, 2012				
H	H001224	RDPEIR Fed Ex Delivery Confirmation - San Mateo County Library	November 27, 2012				
H	H001226	RDPEIR Fed Ex Delivery Confirmation - Santa Clara County Library	November 27, 2012				
H	H001228	RDPEIR Fed Ex Delivery Confirmation - Santa Cruz County Library	November 27, 2012				
H	H001230	RDPEIR Fed Ex Delivery Confirmation - Shasta County Library	November 27, 2012				
H	H001232	RDPEIR Fed Ex Delivery Confirmation - Siskiyou County Library	November 27, 2012				
H	H001234	RDPEIR Fed Ex Delivery Confirmation - Stanislaus County Library	November 27, 2012				
H	H001236	RDPEIR Fed Ex Delivery Confirmation - Solano County Library	November 27, 2012				
H	H001238	RDPEIR Fed Ex Delivery Confirmation - Tehama County Library	November 27, 2012				
H	H001240	RDPEIR Fed Ex Delivery Confirmation - Tulare County Library	November 27, 2012				
H	H001242	RDPEIR Fed Ex Delivery Confirmation - Amador County Library	November 27, 2012				
H	H001244	RDPEIR Fed Ex Delivery Confirmation - Calaveras County Library	November 27, 2012				
H	H001246	RDPEIR Fed Ex Delivery Confirmation - Colusa County Library	November 27, 2012				
H	H001248	RDPEIR Fed Ex Delivery Confirmation - Del Norte County Library	November 27, 2012				

H	H001250	RDPEIR Fed Ex Delivery Confirmation - El Dorado County Library	November 27, 2012				
H	H001252	RDPEIR Fed Ex Delivery Confirmation - Fresno County Library	November 27, 2012				
H	H001254	RDPEIR Fed Ex Delivery Confirmation - Humboldt County Library	November 27, 2012				
H	H001256	RDPEIR Fed Ex Delivery Confirmation - Kings County Library	November 27, 2012				
H	H001258	RDPEIR Fed Ex Delivery Confirmation - Lake County Library	November 27, 2012				
H	H001260	RDPEIR Fed Ex Delivery Confirmation - Lassen County Library	November 27, 2012				
H	H001262	RDPEIR Fed Ex Delivery Confirmation - Los Angeles County Library	November 27, 2012				
H	H001264	RDPEIR Fed Ex Delivery Confirmation - Madera County Library	November 27, 2012				
H	H001266	RDPEIR Fed Ex Delivery Confirmation - Modoc County Library	November 27, 2012				
H	H001268	RDPEIR Fed Ex Delivery Confirmation - Monterey County Library	November 27, 2012				
H	H001270	RDPEIR Fed Ex Delivery Confirmation - Nevada County Library	November 27, 2012				
H	H001272	RDPEIR Fed Ex Delivery Confirmation - Glenn County Library	November 27, 2012				
H	H001274	RDPEIR Fed Ex Delivery Confirmation - Placer County Library	November 27, 2012				
H	H001276	RDPEIR Fed Ex Delivery Confirmation - Plumas County Library	November 27, 2012				
H	H001278	RDPEIR Fed Ex Delivery Confirmation - San Luis Obispo County Library	November 27, 2012				
H	H001280	RDPEIR Fed Ex Delivery Confirmation - Sonoma County Library	November 27, 2012				
H	H001282	RDPEIR Fed Ex Delivery Confirmation - Sutter County Library	November 27, 2012				
H	H001284	RDPEIR Fed Ex Delivery Confirmation - Tuolumne County Library	November 27, 2012				
H	H001286	RDPEIR Fed Ex Delivery Confirmation - Ventura County Library	November 27, 2012				
H	H001288	RDPEIR Fed Ex Delivery Confirmation - Yolo County Library	November 27, 2012				
H	H001290	RDPEIR Fed Ex Delivery Confirmation - Yuba County Library	November 27, 2012				
H	H001292	RDPEIR Fed Ex Delivery Confirmation - Mariposa County Library	November 27, 2012				
H	H001294	Newspaper Publishing - Proof of Publication of the RDPEIR NOA in the Bakersfield Californian on 11/28/2012, copy of printed newspaper article, copy of electronic newspaper page, and receipt of payment	November 28, 2012				
H	H001298	Newspaper Publishing - Proof of Publication of the RDPEIR NOA in the Contra Costa Times on 11/28/2012, copy of printed newspaper article, copy of electronic newspaper page, and receipt of payment	November 28, 2012				
H	H001304	Newspaper Publishing - Affidavit of Publication of the RDPEIR NOA in the Chico Enterprise Record on 11/28/2012, copy of printed newspaper article, and receipt of payment	November 28, 2012				
H	H001309	Newspaper Publishing - Proof of Publication of the RDPEIR NOA in the Fresno Bee on 11/28/2012, copy of printed newspaper article, copy of electronic newspaper page, and advertising memo invoice	November 28, 2012				
H	H001313	Newspaper Publishing - Declaration of Publication of the RDPEIR NOA in the Modesto Bee on 11/28/2012, copy of printed newspaper article, copy of electronic newspaper page, and receipt of payment	November 28, 2012				
H	H001316	Newspaper Publishing - Proof of Publication of the RDPEIR NOA in the Monterey County Herald on 11/28/2012, copy of printed newspaper article, and receipt of payment	November 28, 2012				
H	H001319	Newspaper Publishing - Proof of Publication of the RDPEIR NOA in the Riverside Press Enterprise on 11/28/2012, copy of printed newspaper article, copy of electronic newspaper page, and receipt of payment	November 28, 2012				
H	H001323	Newspaper Publishing - Certificate of Publication of the RDPEIR NOA in the Redding Record Searchlight on 11/28/2012, copy of printed newspaper article, and receipt of payment	November 28, 2012				

H	H001325	Newspaper Publishing - Declaration of Publication of the RDPEIR NOA in the Sacramento Bee on 11/28/2012, copy of printed newspaper article, and receipt of payment	November 28, 2012				
H	H001327	Newspaper Publishing - Affidavit of Publication of the RDPEIR NOA in the San Diego Union-Tribune on 11/28/2012, copy of printed newspaper article, copy of electronic newspaper page, and receipt of payment	November 28, 2012				
H	H001330	Newspaper Publishing - Proof of Publication of the RDPEIR NOA in the San Jose Mercury News on 11/28/2012, copy of printed newspaper article, copy of electronic newspaper page, and receipt of payment	November 28, 2012				
H	H001334	Newspaper Publishing - Declaration of Publication of the RDPEIR NOA in the San Francisco Chronicle on 11/28/2012, copy of printed newspaper article, and receipt of payment	November 28, 2012				
H	H001338	Newspaper Publishing - Proof of Publication of the RDPEIR NOA in the Stockton Record on 11/28/2012, copy of printed newspaper article, copy of electronic newspaper page, and receipt of payment	November 28, 2012				
H	H001342	Newspaper Publishing - Affidavit of Publication of the RDPEIR NOA in the San Luis Obispo Tribune on 11/28/2012, copy of printed newspaper article, copy of electronic newspaper page, and receipt of payment	November 28, 2012				
H	H001346	Newspaper Publishing - Certificate of Publication of the RDPEIR NOA in the Ventura County Star on 11/28/2012, copy of printed newspaper article, copy of electronic newspaper page, and receipt of payment	November 28, 2012				
H	H001350	Newspaper Publishing - Affidavit of Publication of the RDPEIR NOA in the Orange County Register on 11/28/2012, copy of printed newspaper article, copy of electronic newspaper page, and receipt of payment	November 28, 2012				
H	H001355	Newspaper Publishing - Proof of Publication of the RDPEIR NOA in the Oakland Tribune on 11/28/2012, copy of printed newspaper article, copy of electronic newspaper page, and receipt of payment	November 28, 2012				
H	H001359	Newspaper Publishing - Copy of the 11/28/2012 page of the Santa Barbara News-Press with the RDPEIR NOA, and receipt of payment	November 28, 2012				
H	H001361	Newspaper Publishing - Proof of Publication of the RDPEIR NOA in the Los Angeles Times on 11/28/2012, copy of the printed newspaper article, and newspaper publishing invoice	November 28, 2012				
H	H001364	RDPEIR Fed Ex Delivery Confirmation - San Benito County Library	November 28, 2012				
H	H001366	RDPEIR Fed Ex Delivery Confirmation - San Bernardino County Library	November 28, 2012				
H	H001368	RDPEIR Fed Ex Delivery Confirmation - Mono County Library	November 28, 2012				
H	H001370	RDPEIR Fed Ex Delivery Confirmation - Trinity County Library	November 28, 2012				
H	H001372	RDPEIR Fed Ex Delivery Confirmation - Markleeville Alpine County Library	November 28, 2012				
H	H001374	RDPEIR Fed Ex Delivery Confirmation - Orange County Library	November 28, 2012				
H	H001376	RDPEIR Fed Ex Delivery Confirmation - Santa Barbara County Library	November 28, 2012				
H	H001378	RDPEIR Fed Ex Delivery Confirmation - Sierra County Library	November 28, 2012				
H	H001380	Recirculated Draft PEIR NOA - Stamped Received NOA from Anonymous - Envelope not Postmarked	November 28, 2012				
H	H001384	Recirculated Draft PEIR NOA - Stamped Received NOA from Anonymous 2 - Envelope not Postmarked	November 28, 2012				
H	H001388	Recirculated Draft PEIR NOA - Stamped Received NOA from Anonymous 3 - Envelope not Postmarked	November 28, 2012				

H	H001392	Recirculated Draft PEIR NOA - Stamped Received NOA from Anonymous 4 - Envelope Postmarked in Sacramento, CA	November 28, 2012				
H	H001396	Recirculated Draft PEIR CD Request: PG&E State Agency Relations	November 29, 2012				
H	H001397	Recirculated Draft PEIR NOA - Stamped Received NOA from Anonymous 5 - Envelope not Postmarked	November 29, 2012				
H	H001401	Recirculated Draft PEIR NOA - Stamped Received NOA from Anonymous 6 - Envelope postmarked in Reno, NV	November 29, 2012				
H	H001406	Recirculated Draft PEIR NOA - Stamped Received NOA from Anonymous 7 - Envelope Postmarked in Oakland, CA	November 29, 2012				
H	H001410	E-Mail announcing the release of the Final Draft Delta Plan, the Recirculated Draft PEIR, and Rulemaking Package, with statistics on readership of the e-mail on the day it was distributed	November 30, 2012				
H	H001412	Recirculated Draft PEIR CD Request: Richard Rondeau	December 3, 2012				
H	H001413	Recirculated Draft PEIR CD Request: City of Stockton	December 3, 2012				
H	H001414	Recirculated Draft PEIR CD Request: Coachella Valley Water District	December 4, 2012				
H	H001415	Recirculated Draft PEIR NOA - Stamped Received NOA from Anonymous 10 - Envelope Postmarked in Sacramento, CA	December 5, 2012				
H	H001419	Recirculated Draft PEIR CD Request: Mark Pruner	December 7, 2012				
H	H001420	Recirculated Draft PEIR CD Request: Tehama County	December 11, 2012				
H	H001421	Recirculated Draft PEIR CD Mailing List - sent upon request	December 17, 2012				
H	H001422	OPR Letter Regarding Closeout of Comment Period on RDPEIR	January 15, 2013				
H	H001436	Recirculated Draft PEIR NOA - Posting Confirmation from Anonymous - Envelope not Postmarked	January 17, 2013				
Notice of Completion - Recirculated Draft Peir							
H	H001440	Notice of Completion Recirculated Draft PEIR stamped as received by the State Clearing House	November 28, 2012				
Final Peir Noticing Distribution							
H	H001441	Form Letter Announcing Availability of Final PEIR	April 23, 2013				
H	H001442	FEIR Noticing Letter Hard Copy Distribution List and Related Correspondence Regarding Mailing Date	April 23, 2013				
H	H001447	Kopiworks Invoice for Printing and Mailing of FEIR Noticing Letter	April 30, 2013				
H	H001448	Screenshot of the posting of the Final PEIR on Friday, May 3rd 2013, and e-mail verification of this posting, with additional screenshots of the download pages taken on May 6th 2013.	May 3, 2013				
H	H001461	Returned FEIR noticing letter from Mr. Jeffrey Kightlinger of the Metropolitan Water District of Southern California - letter undeliverable due to incorrect zip code	May 7, 2013		FEIR Noticing letter also mailed to Stephen Arakawa at the Metropolitan Water District of Southern California and was correctly addressed and not returned.		
H	H001464	E-Mail announcing the availability of the Proposed Final Delta Plan, the Final PEIR, and the Final Rulemaking Package for review, with statistics on readership of the e-mail on the day it was distributed.	May 7, 2013				
H	H001466	Screenshots of updated postings to the Final PEIR webpage with e-mail verification from Cindy Messer	May 9, 2013				

Delta Plan Regulations Notices							
H	H001510	Notice of Pubilcation/Regulations Submission (Form STD 400)	November 16, 2012				
H	H001511	Title 23. Water. Division 6. Delta Stewardship Council Notice of Proposed Rulemaking	November 16, 2012				
H	H001519	California Regulatory Notice Register Proposed Action on Regulations for Delta Stewardship Council	November 30, 2012				
H	H001526	Notice of Public Availability of Modified Regulatory Text and Availability of Additional Documents	April 4, 2013				
H	H001527	Notice of Additional Document for Public Review	April 24, 2013				
I. OTHER CORRESPONDENCE RELATED TO EIR							
EIR Notice of Preparation Comments							
I	I000001	Central Valley Flood Protection Board	January 4, 2011				
I	I000004	Department of Conservation	January 5, 2011				
I	I000006	California State Lands Commission	January 6, 2011				
I	I000010	Regional Council of Rural Counties	January 10, 2011				
I	I000016	San Francisco Bay Conservation and Development Commission	January 10, 2011				
I	I000022	Valerie Glass	January 13, 2011				
I	I000023	Solano County Water Agency	January 19, 2011				
I	I000025	Ashley Allison	January 21, 2011				
I	I000027	Pacific Advocates	January 21, 2011				
I	I000100	Delta Mosquito and Vector Control Districts	January 24, 2011				
I	I000102	Jim Verboon	January 30, 2011				
I	I000104	Paul Choisser	January 24, 2011				
I	I000106	Recreational Boaters of California	January 24, 2011				
I	I000108	Environmental Justice and Fishing Community	January 25, 2011				
I	I000121	Richart Morat	January 25, 2011				
I	I000124	Tony St Amant	January 25, 2011				
I	I000131	Yolo County Board of Supervisors	January 25, 2011				
I	I000137	Alameda County Flood Control and Water Conservation District, Zone 7	January 26, 2011				
I	I000139	City of Sacramento	January 26, 2011				
I	I000141	Robert Pyke	January 26, 2011				
I	I000147	City of Antioch	January 27, 2011				
I	I000150	El Dorato Irrigation District	January 27, 2011				
I	I000153	Grace Marvin, Conservation chair of Sierra Club-Yahi Group	January 27, 2011				
I	I000156	Hoopa Valley Tribal Council	January 27, 2011				
I	I000164	John Drzal	January 27, 2011				
I	I000166	Metropolitan Water District of Southern California	January 27, 2011				
I	I000169	Sacramento Fire Department	January 27, 2011				
I	I000170	Solano County Department of Resource Management	January 27, 2011				
I	I000187	Suisun Resources Conservation District	January 27, 2011				
I	I000189	The Bay Institute	January 27, 2011				
I	I000193	The Nature Conservancy	January 27, 2011				
I	I000196	Central Delta Water Agency - Complete copy of Exhibit A to their Jan 28 2011 letter	January 28, 2011				
I	I000226	Central Delta Water Agency Attachment 2	January 28, 2011				
I	I000256	California Coastkeeper Alliance	January 28, 2011				

I	I000278	California Farm Bureau Federation	January 28, 2011				
I	I000282	California Sportfishing Protection Alliance	January 28, 2011				
I	I000294	California Waterfowl Association	January 28, 2011				
I	I000296	Central Delta Water Agency	January 28, 2011				
I	I000332	Clarksburg Fire Protection District	January 28, 2011				
I	I000334	Clean Water Action	January 28, 2011				
I	I000338	Clint Meyer	January 28, 2011				
I	I000339	Contra Costa County Department of Conservation	January 28, 2011				
I	I000344	Council for Endangered Species Act Reliability	January 28, 2011				
I	I000348	Deirdre Des Jardins, California Water Research Associates	January 28, 2011				
I	I000352	Delta Protection Commission	January 28, 2011				
I	I000355	California Department of Parks and Recreation	January 28, 2011				
I	I000358	East Bay Municipal Utility District	January 28, 2011				
I	I000369	Environmental Justice Coalition for Water	January 28, 2011				
I	I000375	Farm Bureau Delta Caucus	January 28, 2011				
I	I000379	Jerry Cadagan	January 28, 2011				
I	I000381	Mosquito and Vector Control Association of California	January 28, 2011				
I	I000383	North Delta Water Agency	January 28, 2011				
I	I000398	Northern California Water Association/Regional Water Authority	January 28, 2011				
I	I000405	Paul Choisser	January 28, 2011				
I	I000409	Reclamation District No. 830 - Jersey Island	January 28, 2011				
I	I000417	Reclamation District 999	January 28, 2011				
I	I000421	Sacramento Regional County Sanitation District	January 28, 2011				
I	I000431	San Joaquin County Board of Supervisors	January 28, 2011				
I	I000439	Sierra Business Council	January 28, 2011				
I	I000442	State and Federal Contractors Water Agency and San Luis Delta Mendota Water Agency	January 28, 2011				
I	I000451	Tuolumne Utilities District	January 28, 2011				
I	I000461	Verna Jigour	January 28, 2011				
I	I000492	Women of Water	January 28, 2011				
I	I000497	Yolo County Flood Control and Water Conservation District	January 28, 2011				
I	I000498	Association of California Water Agencies	January 29, 2011				
I	I000501	James Townsend	January 29, 2011				
I	I000507	Joel Carey	January 29, 2011				
I	I000508	City of Roseville	January 31, 2011				
I	I000509	William Brooks	January 31, 2011				
I	I000510	California Department of Water Resources	February 1, 2011				
I	I000514	Reclamation District 830, Ironhouse Sanitary District	February 3, 2011				
I	I000522	United Auburn Indian Community of the Auburn Rancheria	February 14, 2011				
I	I000523	Delta Diablo Sanitation District	February 16, 2011				
I	I000525	Verna Jigour	March 2, 2011				
Final EIR Comments							
I	I000528	City of Stockton	March 27, 2013				
I	I000537	City of Stockton Comments about Modified Economic and Fiscal Impact Statement	May 7, 2013				

I	I000542	City of Stockton Comments about Modified Economic and Fiscal Impact Statement	May 8, 2013				
I	I000544	Environmental Water Caucus	May 14, 2013				
I	I000548	San Luis and Delta-Mendota Water Authority and Westlands Water District	May 15, 2013				
I	I001667	Friends of the River	May 15, 2013				
I	I001672	San Luis and Delta-Mendota Water Authority and State Water Contractors	May 16, 2013				
I	I001679	Nicole Suard, Snug Harbor Resorts, LLC	May 16, 2013				
I	I001718	Debbie Elliot, David J. Elliot & Sons	May 16, 2013				
I	I001721	Barbara Daly	May 16, 2013				
I	I001723	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Cover Letter and Chapter 1 through Figure 2-16	May 16, 2013		Part 01 of 16		
I	I001988	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Appendix 2.A through Figure 2A.57-2	May 16, 2013		Part 02 of 16		
I	I002902	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Appendix 2.B to Appendix 2.C	May 16, 2013		Part 03 of 16		
I	I002935	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Chapter 3	May 16, 2013		Part 04 of 16		
I	I003756	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Figure 3.2-1 through Chapter 5	May 16, 2013		Part 05 of 16		
I	I004170	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Chapter 5.1 through Figure 5.6-1	May 16, 2013		Part 06 of 16		
I	I004813	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Appendix 5A.1 through Appendix 5.B, Section 5B.8	May 16, 2013		Part 07 of 16		
I	I005463	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Sacramento River Ecological Flows Tool Design & Guidelines through Attachment 5C.C	May 16, 2013		Part 08 of 16		
I	I005812	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Attachment 5C.D through Figure 2-16 through Appendix 5.C, Section 5C-4	May 16, 2013		Part 09 of 16		
I	I006030	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Appendix 5C.6 through Appendix 5.C. Section 5C.5.2	May 16, 2013		Part 10 of 16		
I	I006564	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Section 5C.5 through Appendix 5.D, Attachment 5D.B	May 16, 2013		Part 11 of 16		
I	I007198	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Appendix 5.E through Attachment 5E.A, Section E.A.7.2	May 16, 2013		Part 12 of 16		
I	I007702	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Attachment 5E.A. Section E.A..7.1 through Appendix 5.E, Section 5E.9	May 16, 2013		Part 13 of 16		

I	I008279	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Attachment 5E.A BDCP South Delta Habitat and Flood Corridor Planning	May 16, 2013		Part 14 of 16		
I	I008774	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Appendix 5.F through Chapter 7	May 16, 2013		Part 15 of 16		
I	I009480	Bay Delta Conservation Plan Revised Administrative Draft March 2013 (Attached to May 16, 2013 Meserve Letter) - Chapter 8 through Chapter 10	May 16, 2013		Part 16 of 16		
I	I009829	Golden Gate Salmon Association	May 16, 2013				
J. DEIR and FEIR Reference Materials							
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J	J000001	Baxter, R., R. Breuer, L. Brown, L. Conrad, F. Feyrer, S. Fong, K. Gehrts, L. Grimaldo, B. Herbold, P.Hrodey, A. Mueller-Solger, T. Sommer, and K. Souza. 2010. Interagency Ecological Program 2010 Pelagic Organism Decline Work Plan and Synthesis of Results. Interagency Ecological Program for the San Francisco Estuary.	2010		Duplicate file. Contained in Section L of AR. Chapter 4. ;;*The reference number on this placeholder page is no longer relevant. Please ignore these placeholder/ reference numbers throughout Section J.		
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J	J000098	California Secretary of State. 1982. California Ballot Pamphlet, Primary Election, June 8.	1982				
J	J000186	Chung, F., and M. Ejeta. 2011. Estimating California Central Valley Unimpaired Flows. Presentation to State Water Resources Control Board on January 6. http://www.swrcb.ca.gov/waterrights/water_issues/programs/bay_delta/sds_srjf/sjr/docs/dwr_uf010611.pdf .	2011		Duplicate file. Contained in Section L of AR, Chapter 1.		
J	J000187	CNDDDB (California Natural Diversity Database). 2010. Records search of plan area quadrangles. California Department of Fish and Game, Sacramento, California.	2010		Duplicate file. Contained in Section L of AR, Chapter 1. Also referenced in Section J Appendix F-3 and F-4.		
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J	J000477	Dettinger, M. D., F. M. Ralph, T. Das, P. J. Neiman, and D. R. Cayan. 2011. Atmospheric Rivers, Floods, and the Water Resources of California. Water. 445-478. March. http://www.mdpi.com/20734441/3/2/445/pdf .	2011		Duplicate file. Contained in Section L of AR, Chapter 1.		
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J	J000538	DPC (Delta Protection Commission). 2010. Economic Sustainability Plan Framework Study. Final Draft. Submitted by Bay Area Economics in association with Rooney Tate Group Parus Consulting. December 6.	2010		Duplicate file. Contained in Section L of AR, Chapter 1.		
J	J000539	DPC (Delta Protection Commission). 2011. Public Draft. Economic Sustainability Plan for the Sacramento-San Joaquin Delta. August 9.	2011				
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K	K000008	Assembly Water Parks and Wildlife Committee	March 2, 2010				
K	K000010	Clarksburg Fire Protection District	April 1, 2010				
K	K000012	Peggy Bohl	April 7, 2010				

K	K000016	NRDC Part One Letter	April 27, 2010				
K	K000033	NRDC Part Two Letter	April 27, 2010				
K	K000069	Ronald E. Baldwin, Director, San Joaquin County Emergency Operations	May 7, 2010				
K	K000075	State and Federal Contractors Water Agency	June 7, 2010				
K	K000077	Sacramento Regional County Sanitation District	June 23, 2010				
K	K000081	Recreational Boaters of California	July 8, 2010				
K	K000083	Sacramento Regional County Sanitation District	July 19, 2010				
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K	K000097	Yolo County	August 3, 2010				
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K	K000135	Federal Emergency Management Agency	October 14, 2010				
K	K000136	Environmental Water Caucus	October 20, 2010				
K	K000140	Email from Phil Isenberg, Delta Stewardship Council to Glenn County re Clarification of Letter re Water Board report on Delta Ecosystem Flow Criteria	October 20, 2010				
K	K000142	Coalition for a Sustainable Delta	November 2, 2010				
K	K000144	State and Federal Contractors Water Agency	November 2, 2010				
K	K000147	Sacramento Regional County Sanitation District	November 3, 2010				
K	K000149	Northern California Water Association Regional Water Authority	November 3, 2010				
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K	K000194	Kathy Perez	January 24, 2011				
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K	K000390	Environmental Water Caucus Form Letter (Keith Hammond)	February 2, 2011				
K	K000391	Environmental Water Caucus Form Letter (Mark Feldman)	February 2, 2011				
K	K000392	Environmental Water Caucus Form Letter (Omid Gholizadeh)	February 2, 2011				
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K	K000448	Memorandum from Joe Grindstaff to Delta Stewardship Council Members	February 14, 2011				
K	K000450	San Joaquin River Group and the State and Federal Contractors Water Agency	February 14, 2011				
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K	K000692	Northern California Water Association	February 24, 2011				
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K	K000697	Restore the Delta	March 1, 2011				
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K	K000746	Metropolitan Water District of Southern California	March 10, 2011				
K	K000749	Southern California Water Committee	March 10, 2011				
K	K000751	Solano County	March 10, 2011				
K	K000756	California Department of Parks and Recreation	March 10, 2011				
K	K000759	California Farm Bureau Federation	March 11, 2011				
K	K000764	Council for Endangered Species Act Reliability	March 11, 2011				
K	K000784	Coalition for a Sustainable Delta	March 11, 2011				
K	K000795	Sacramento-San Joaquin Delta Conservancy	March 11, 2011				
K	K000799	State & Federal Contractors Water Agency	March 11, 2011				
K	K000803	Yolo County	March 11, 2011				
K	K000806	Northern California Water Association	March 14, 2011				
K	K000809	Jim Verboon	March 16, 2011				
K	K000810	Department of Water Resources	March 17, 2011				
K	K000815	The Nature Conservancy	March 17, 2011				
K	K000827	San Joaquin County, Ron Baldwin	March 18, 2011				

K	K000831	Central Valley Coalition, Inc./Central Valley Salinity Alternatives for Long Term Sustainability (CV-SALTS)	March 21, 2011				
K	K000833	Metropolitan Water District of Southern California	March 22, 2011				
K	K000836	Westlands Water District	March 22, 2011				
K	K000837	PAC Environmental and Urban Land Use Planning Consulting Services	March 27, 2011				
K	K000839	Restore the Delta	March 23, 2011				
K	K000850	Contra Costa Water District	April 1, 2011				
Second Staff Draft of Delta Plan Document and Comments							
K	K000877	Second Staff Draft Delta Plan	March 18, 2011				
K	K000946	Central Valley Coalition, Inc./Central Valley Salinity Alternatives for Long Term Sustainability (CV-SALTS)	March 21, 2011				
K	K000948	Robert Pyke	March 21, 2011				
K	K000951	Restore the Delta	March 23, 2011				
K	K000962	Central Delta Water Agency via Nomellini, Grilli & McDaniel	March 24, 2011				
K	K000969	Central and South Delta Water Agencies	March 24, 2011				
K	K000975	Coalition of Environmental, Environmental Justice and Fishing Organizations	March 24, 2011				
K	K001042	Renewable Group	March 25, 2011				
K	K001043	PAC Environmental and Urban Land Use Planning - Paul Choisser	March 27, 2011				
K	K001045	Sacramento Regional County Sanitation District	March 28, 2011				
K	K001080	Jonas Minton, Planning Conservation League	March 28, 2011				
K	K001082	Jim Verboon	March 30, 2011				
K	K001085	Thomas Zuckerman	March 30, 2011				
K	K001089	East Bay Municipal Utility District	April 1, 2011				
K	K001095	Coalition for a Sustainable Delta	April 4, 2011				
K	K001102	Natural Resources Defense Council	April 4, 2011				
K	K001109	HNTB Corporation	April 5, 2011				
K	K001112	American Rivers	April 6, 2011				
K	K001122	Sacramento Regional County Sanitation District	April 8, 2011				
K	K001185	Association of California Water Agencies	April 8, 2011				
K	K001190	Delta Caucus	April 8, 2011				
K	K001199	MBK Engineers	April 8, 2011				
K	K001203	Regional Council of Rural Counties	April 8, 2011				
K	K001208	River Islands at Lathrop	April 11, 2011				
K	K001215	Local Agencies of the North Delta	April 11, 2011				
K	K001235	Delta Counties Coalition	April 12, 2011				
K	K001239	Yolo County	April 12, 2011				
K	K001249	California Farm Bureau Federation	April 13, 2011				
K	K001255	City of Tracy	April 13, 2011				
K	K001256	Bureau of Reclamation	April 13, 2011				
K	K001259	City of Antioch	April 14, 2011				
K	K001263	Central Valley Clean Water Association	April 14, 2011				
K	K001268	Pacific Coast Federation of Fisherman's Associations	April 14, 2011				
K	K001292	U.S. Environmental Protection Agency	April 14, 2011				
K	K001296	California Ocean Protection Council	April 14, 2011				
K	K001320	California Department of Water Resources	April 14, 2011				
K	K001358	Contra Costa County	April 14, 2011				

K	K001364	Sierra Nevada Conservancy	April 15, 2011				
K	K001368	California State Water Resources Control Board	April 15, 2011				
K	K001372	San Francisco Bay Conservation and Development Commission	April 15, 2011				
K	K001379	Contra Costa Council	April 15, 2011				
K	K001384	Central Valley Regional Water Quality Control Board	April 15, 2011				
K	K001385	Delta Wetlands Project	April 15, 2011				
K	K001394	County of Sacramento	April 15, 2011				
K	K001401	Solano County	April 15, 2011				
K	K001410	State Water Resources Control Board	April 15, 2011				
K	K001414	U.S. Army Corps of Engineers	April 15, 2011				
K	K001420	Verna Jigour	April 15, 2011				
K	K001423	Comment Matrix, excerpts from comments received by the Delta Stewardship Council on First And Second Staff Draft Delta Plan Versions Between February 5, 2011 And April 15, 2011	April 15, 2011				
K	K001718	Pacific Coast Federation of Fisherman's Associations; revised Attachment A	April 16, 2011				
K	K001741	Robert Pyke	April 16, 2011				
K	K001743	Robert Pyke	April 17, 2011				
K	K001757	Southern San Joaquin Irrigation District	April 19, 2011				
K	K001763	The Nature Conservancy	April 19, 2011				
K	K001788	Pacific Institute	April 22, 2011				
K	K001796	California Department of Water Resources	April 22, 2011				
Third Staff Draft of Delta Plan Documents, Comments, and Related Correspondence							
K	K001806	Third Staff Draft Delta Plan	April 22, 2011				
K	K001937	Third Staff Draft Cover Memo	April 22, 2011				
K	K001941	Third Staff Draft Covered Actions FAQ's	April 22, 2011				
K	K001944	Ecosystem Restoration Programs, Excerpts for Third Staff Draft	April 22, 2011				
K	K001972	California Ocean Protection Council	April 24, 2011				
K	K001996	Robert Pyke	April 25, 2011				
K	K002002	PAC Environmental and Urban Land Use Planning - Paul Choisser	April 26, 2011				
K	K002004	Coalition of Environmental, Environmental Justice and Fishing Organizations	April 28, 2011				
K	K002016	Tuolumne Utilities District	April 29, 2011				
K	K002023	Natural Resources Defense Council	April 29, 2011				
K	K002025	Planning and Conservation League	April 29, 2011				
K	K002026	G. Fred Lee and Associates	April 29, 2011				
K	K002061	G. Fred Lee and Associates	May 1, 2011				
K	K002065	SJCOG, Inc.	May 2, 2011				
K	K002067	Tehama County Board of Supervisors	May 3, 2011				
K	K002069	California State Board (Department) of Food and Agriculture	May 4, 2011				
K	K002072	City of Manteca	May 5, 2011				
K	K002074	California State Parks	May 6, 2011				
K	K002079	City of Oakley	May 6, 2011				
K	K002081	Coalition of Organizations Representing the Water, Agriculture, and Business Communities	May 6, 2011				
K	K002095	South Delta Water Agency	May 6, 2011				
K	K002102	City of Stockton	May 6, 2011				

K	K002106	Glenn Colusa Irrigation District	May 6, 2011				
K	K002114	Sacramento County Municipal Services Agency	May 6, 2011				
K	K002117	Yolo County Board of Supervisors	May 6, 2011				
K	K002125	Contra Costa Water District	May 6, 2011				
K	K002138	Metropolitan Water District	May 6, 2011				
K	K002193	Regional Council of Rural Counties	May 6, 2011				
K	K002201	San Joaquin River Group Authority	May 6, 2011				
K	K002204	Delta County HCP/NCCP Agencies	May 6, 2011				
K	K002207	State and Federal Contractors Water Agency	May 6, 2011				
K	K002226	Association of California Water Agencies et al.	May 6, 2011				
K	K002240	City of Tracy	May 6, 2011				
K	K002242	Contra Costa County - Department of Conservation and Development	May 6, 2011				
K	K002247	Solano County Water Agency	May 6, 2011				
K	K002249	Sacramento Regional County Sanitation District	May 6, 2011				
K	K002277	State Water Contractors	May 6, 2011				
K	K002279	Delta Wetlands Project	May 6, 2011				
K	K002285	East Bay Municipal Utility District	May 6, 2011				
K	K002297	San Joaquin County Board of Supervisors	May 6, 2011				
K	K002308	Ducks Unlimited	May 6, 2011				
K	K002311	River Islands at Lathrop	May 9, 2011				
K	K002328	Delta Conservancy	May 9, 2011				
K	K002330	California State Parks	May 9, 2011				
K	K002335	Department of Water Resources	May 9, 2011				
K	K002376	National Oceanic and Atmospheric Administration	May 9, 2011				
K	K002383	The Bay Institute	May 9, 2011				
K	K002428	Valley Center Municipal Water District	May 9, 2011				
K	K002429	Butte County Board of Supervisors	May 10, 2011				
K	K002431	Tuolumne Utilities District	May 10, 2011				
K	K002432	San Juan Water District	May 10, 2011				
K	K002433	Comment Matrix, excerpts From Comments Received By The Delta Stewardship Council On Third Staff Draft Delta Plan Versions Between April 22, 2011 and May 9, 2011	May 10, 2011				
K	K002573	U.S. Environmental Protection Agency	May 11, 2011				
K	K002576	Environmental Defense Fund	May 11, 2011				
K	K002579	California Farm Bureau Federation	May 11, 2011				
K	K002601	Sacramento Suburban Water District	May 11, 2011				
K	K002602	Thomas Zuckerman	May 11, 2011				
K	K002608	City of Antioch	May 12, 2011				
K	K002617	City of Tracy	May 12, 2011				
K	K002623	U.S. Bureau of Reclamation	May 13, 2011				
K	K002626	Delta Caucus	May 13, 2011				
K	K002629	Jim Verboon	May 13, 2011				
K	K002631	Local Agencies of the North Delta	May 13, 2011				
K	K002645	Brown Sand, Inc.	May 16, 2011				
K	K002648	Contra Costa Water District	May 18, 2011				
K	K002650	Coalition for a Sustainable Delta	May 19, 2011				
K	K002660	G. Fred Lee and Associates	May 22, 2011				

K	K002662	Association of California Water Agencies	May 24, 2011				
K	K002663	National Marine Fisheries Service	May 26, 2011				
K	K002666	San Joaquin County Board of Supervisors	May 26, 2011				
K	K002672	Sacramento Regional County Sanitation District	May 26, 2011				
K	K002674	Letter to Dr. Jerry Meral, Deputy Secretary of the California Natural Resources Agency, from Executive Officer Joe Grindstaff, Delta Stewardship Council re Near-term Projects for Delta	May 26, 2011				
K	K002676	Central Valley Flood Protection Board	May 27, 2011				
K	K002678	American Rivers	May 27, 2011				
K	K002688	Environmental Water Caucus	May 30, 2011				
K	K002690	State and Federal Contractors Water Agency	May 31, 2011				
K	K002724	Peer Swan	May 31, 2011				
K	K002735	City of Antioch	May 31, 2011				
K	K002742	City of Stockton	May 31, 2011				
K	K002760	North Delta Water Agency	May 31, 2011				
K	K002790	To Dr. Jerry Meral, Deputy Secretary of the California Natural Resources Agency, from Executive Officer Joe Grindstaff Regarding Delta Stewardship Council Relationship to Bay Delta Conservation Plan	May 31, 2011				
K	K002800	Thomas Zuckerman	June 1, 2011				
K	K002807	Solano County Water Agency	June 1, 2011				
K	K002813	Department of Fish and Game	June 3, 2011				
K	K002815	Shasta County Board of Supervisors	June 7, 2011				
K	K002816	Coalition of Statewide Urban and Agricultural Interests	June 10, 2011				
K	K002824	Metropolitan Water District of Southern California	June 10, 2011				
K	K002879	California Central Valley Flood Control Association	June 13, 2011				
K	K002913	San Bernardino Valley Municipal Water District	June 13, 2011				
K	K002914	To Michael Machado, Ex. Dir. of the Delta Protection Commission, from DSC Executive Officer Joe Grindstaff regarding the Delta Protection Commission's Economic Sustainability Plan	July 14, 2011				
K	K002916	Mike and Judy Hall on behalf of CSBA, Restore the Delta, CSPA	July 18, 2011				
K	K002917	Third Staff Draft Comments Compilation Pages	June 20, 2011				
Fourth Staff Draft of Delta Plan Documents, Comments, and Related Correspondence							
K	K003191	Fourth Staff Draft Delta Plan	June 13, 2011				
K	K003431	Valley Center Municipal Water District	June 13, 2011				
K	K003432	San Bernardino Valley Municipal Water District	June 13, 2011				
K	K003433	Regional Council of Rural Counties	June 13, 2011				
K	K003435	California Farm Bureau Federation	June 13, 2011				
K	K003437	California Central Valley Flood Control Association	June 13, 2011				
K	K003471	Western Municipal Water District	June 14, 2011				
K	K003472	Western Canal Water District	June 14, 2011				
K	K003473	Vallecitos Water District	June 14, 2011				
K	K003474	Rancho California Water District	June 14, 2011				
K	K003476	Oakdale Irrigation District	June 14, 2011				
K	K003477	City of Oceanside Water Utilities Department	June 14, 2011				
K	K003478	Del Puerto Water District	June 14, 2011				
K	K003480	Coachella Valley Water District	June 14, 2011				
K	K003481	Cucamonga Valley Water District	June 14, 2011				

K	K003482	Calleguas Municipal Water District	June 14, 2011				
K	K003483	City of Corona Department of Water and Power	June 14, 2011				
K	K003484	Calaveras County Water District	June 14, 2011				
K	K003485	G. Fred Lee & Associates	June 14, 2011				
K	K003488	Elsinore Valley Municipal Water District	June 14, 2011				
K	K003489	Utica Power Authority	June 15, 2011				
K	K003490	Nevada Irrigation District	June 15, 2011				
K	K003491	Coalition for a Sustainable Delta	June 15, 2011				
K	K003492	Las Virgenes Water District	June 15, 2011				
K	K003493	Helix Water District	June 15, 2011				
K	K003494	Eastern Municipal Water District	June 15, 2011				
K	K003495	El Dorado County Water Agency	June 15, 2011				
K	K003496	Desert Water Agency	June 15, 2011				
K	K003497	Bella Vista Water District	June 15, 2011				
K	K003499	Three Valleys Municipal Water District	June 15, 2011				
K	K003500	West Valley Water District	June 16, 2011				
K	K003501	City of Citrus Heights	June 16, 2011				
K	K003503	Association of California Water Agencies	June 16, 2011				
K	K003504	Jonas Minton, Planning and Conservation League	June 16, 2011				
K	K003505	Brian Atwater, Delta Independent Science Board	June 19, 2011				
K	K003508	Delta Wetlands Project	June 21, 2011				
K	K003513	Natural Resources Defense Council	June 22, 2011				
K	K003519	California Round Table on Water Food Supply re Development of Delta Plan	June 22, 2011				
K	K003536	County of Sacramento	June 23, 2011				
K	K003541	Contra Costa County - Department of Conservation and Development	June 23, 2011				
K	K003555	East Bay Municipal Utility District	June 23, 2011				
K	K003561	Tony St. Amant	June 23, 2011				
K	K003562	Sacramento Regional County Sanitation District	June 23, 2011				
K	K003594	Santa Ana Watershed Project Authority	June 23, 2011				
K	K003597	California Building Industry Association	June 23, 2011				
K	K003602	City of Antioch	June 23, 2011				
K	K003603	Tuolumne Utilities District	June 23, 2011				
K	K003609	San Joaquin County Board of Supervisors	June 24, 2011				
K	K003645	California Farm Bureau Federation	June 24, 2011				
K	K003649	Central Valley Clean Water Association	June 24, 2011				
K	K003659	Sacramento San-Joaquin Delta Conservancy	June 24, 2011				
K	K003661	Snug Harbor Resorts LLC	June 24, 2011				
K	K003698	Bartkiewicz, Kronick, and Shanahan	June 24, 2011				
K	K003700	Contra Costa Water District	June 24, 2011				
K	K003711	State Water Resources Control Board	June 24, 2011				
K	K003723	Department of Water Resources	June 24, 2011				
K	K003763	Solano County	June 24, 2011				
K	K003765	Central Valley Coalition, Inc./Central Valley Salinity Alternatives for Long Term Sustainability (CV-SALTS)	June 24, 2011				
K	K003767	Local Agencies of the North Delta (LAND)	June 24, 2011				
K	K003778	State and Federal Contractors Water Agency	June 24, 2011				

K	K003796	U.S. Bureau of Reclamation	June 24, 2011				
K	K003798	Yolo County Board of Supervisors	June 24, 2011				
K	K003810	Ag-Urban Coalition	June 24, 2011				
K	K003816	Solano County Department of Resource Management	June 24, 2011				
K	K003829	Western Plant Health Association	June 24, 2011				
K	K003832	WateReuse	June 24, 2011				
K	K003835	U.S. Army Corps of Engineers	June 24, 2011				
K	K003838	San Joaquin River Group Authority	June 24, 2011				
K	K003840	Sacramento Area Council of Governments	June 24, 2011				
K	K003845	Coalition for a Sustainable Delta	June 24, 2011				
K	K003850	Central Contra Costa Sanitary District	June 24, 2011				
K	K003853	American Rivers	June 24, 2011				
K	K003857	Central Valley Flood Protection Board	June 27, 2011				
K	K003859	California Department of Parks and Recreation	June 27, 2011				
K	K003864	California Water Quality Monitoring Council	June 29, 2011				
K	K003868	Delta Diablo Sanitation District	June 30, 2011				
K	K003874	Regional Council of Rural Counties	June 30, 2011				
K	K003879	The Bay Institute	July 1, 2011				
K	K003891	Thomas Zuckerman	July 6, 2011				
K	K003894	Farm Bureau Delta Caucus	July 8, 2011				
K	K003898	Butte County Board of Supervisors	July 12, 2011				
K	K003900	Family Water Alliance	July 12, 2011				
K	K003901	Form letter requesting DSC to add item to Chapter 7 of Delta Plan eliminating sunset date on the Delta Levees Program (84 form letter submissions)	July 13, 2011				
K	K003997	Metropolitan Water District of Southern California	July 13, 2011				
K	K004005	Reclamation Districts in the Delta (1, 2, 544, 756, 2025, 2026, 2028, 2042, 2075, 2089, 2090, and 2137)	July 14, 2011				
K	K004017	MBK Engineers	July 15, 2011				
K	K004021	American Rivers	July 15, 2011				
K	K004023	American Marine Training Centers	July 15, 2011				
K	K004024	Mossdale Reclamation District No. 2107 - Al Hoslett	July 15, 2011				
K	K004025	Subvention Letters	July 18, 2011				
K	K004126	California Sportfishing Protection Alliance	July 18, 2011				
K	K004130	Jody Mazzarella	July 21, 2011				
K	K004131	Bethel Island Municipal Improvement District	July 22, 2011				
K	K004132	Wagner & Gonsignore Civil Engineers - Henry Matsungaga	July 25, 2011				
K	K004133	Phillip J. DiNapoli	July 25, 2011				
K	K004134	DCC Engineering	July 18, 2011				
K	K004135	Reclamation District 551	July 18, 2011				
K	K004137	Richard Johnson	July 25, 2011				
K	K004138	Department of Water Resources	July 25, 2011				
K	K004142	Maurice Roos	July 25, 2011				
K	K004144	Thomas Zuckerman	July 27, 2011				
K	K004145	California Natural Resources Agency	July 29, 2011				
K	K004148	Association of California Water Agencies	July 29, 2011				
K	K004151	California Natural Resources Agency	August 2, 2011				

K	K004152	Delta Diablo Sanitation District	August 7, 2011				
K	K004158	Comment Matrix, excerpts from comments received by the Delta Stewardship Council on Fourth Staff Draft Delta Plan between June 2011 to August 2011	August 10, 2011				
Fifth Staff Draft of Delta Plan Documents, Comments and Related Correspondence							
K	K004236	Fifth Staff Draft Delta Plan, Chapters	August 2, 2011				
K	K004461	Fifth Staff Draft Delta Plan, Appendices	August 2, 2011				
K	K004704	Cover memo for 5th Staff Draft Delta Plan Release	August 2, 2011				
K	K004706	Comparison chart between 4th Staff Draft and 5th Staff Draft Delta Plan	August 2, 2011				
K	K004727	Regional Council of Rural Counties	August 16, 2011				
K	K004731	California Water Commission	August 18, 2011				
K	K004732	G. Fred Lee and Associates	August 21, 2011				
K	K004741	Letter to John McCamman, Dept. of Fish and Game, from Executive Officer, Joe Grindstaff, Delta Stewardship Council, re Comments from July 11th Daft ERP Conservation Strategy	August 22, 2011				
K	K004750	Valley Center Municipal Water District	August 23, 2011				
K	K004754	Sacramento County	August 24, 2011				
K	K004756	San Luis & Delta Mendota Water Authority and State Water Contractors	August 24, 2011				
K	K004758	California Farm Bureau Federation	August 25, 2011				
K	K004781	Merle Aleshire	August 25, 2011				
K	K004784	Regional Council of Rural Counties	August 30, 2011				
K	K004785	California Municipal Utilities Association	September 2, 2011				
K	K004787	Tuolumne Utilities District	September 6, 2011				
K	K004789	California Chamber of Commerce	September 6, 2011				
K	K004790	Mojave Water Agency	September 8, 2011				
K	K004792	Anderson-Cottonwood Irrigation District	September 8, 2011				
K	K004793	Calleguas Municipal Water District	September 8, 2011				
K	K004794	Cucamonga Valley Water District	September 8, 2011				
K	K004795	Hidden Valley Lake Community Services District	September 9, 2011				
K	K004796	Water Advisory Committee of Orange County	September 9, 2011				
K	K004798	Western Canal Water District	September 9, 2011				
K	K004799	Elsinore Valley Municipal Water District	September 13, 2011				
K	K004800	Mesa Water	September 13, 2011				
K	K004802	State and Federal Contractors Water Agency	September 13, 2011				
K	K004804	Greg Zlotncik, State and Federal Contractors Water Agency	September 13, 2011				
K	K004806	Central Valley Flood Protection Board	September 14, 2011				
K	K004808	Monte Vista Water District	September 14, 2011				
K	K004810	Delta Counties Coalition	September 15, 2011				
K	K004812	Delta Protection Commission	September 16, 2011				
K	K004817	Mountain Counties Water Resources Association	September 17, 2011				
K	K004819	Jim Verboon	September 18, 2011				
K	K004820	Contra Costa Council	September 19, 2011				
K	K004822	Regional Water Authority	September 20, 2011				
K	K004824	Alameda County Flood Control and Water Conservation District – Zone 7	September 19, 2011				
K	K004826	The Nature Conservancy	September 19, 2011				
K	K004836	County of Tuolumne	September 20, 2011				
K	K004838	Foothill Municipal Water District	September 20, 2011				

K	K004840	El Dorado Irrigation District	September 20, 2011				
K	K004843	To John Kingsbury, Ex. Dir. of the MCWRA, from DSC Executive Manager of External Affairs Keith Coolidge regarding Mr. Kingsbury's 9-17-11 letter on covered actions.	September 21, 2011				
K	K004845	Vista Irrigation District	September 21, 2011				
K	K004847	Upper San Gabriel Valley Municipal Water District	September 21, 2011				
K	K004848	Coalition for a Sustainable Delta	September 21, 2011				
K	K004883	Las Virgenes Municipal Water District	September 22, 2011				
K	K004884	Eastern Municipal Water District	September 22, 2011				
K	K004885	Central Basin Municipal Water District	September 23, 2011				
K	K004887	Central Valley Joint Venture	September 23, 2011				
K	K004889	Comment Matrix, excerpts from comments received by the Delta Stewardship Council on Fifth Staff Draft Delta Plan August 2011 through September 2011	September 23, 2011				
K	K004928	Mountain Counties Water Resources Association	September 26, 2011				
K	K004931	City of Burbank	September 26, 2011				
K	K004933	Long Beach Water Department	September 26, 2011				
K	K004935	Golden Gate Salmon Association	September 26, 2011				
K	K004947	Mesa Consolidated Water District	September 27, 2011				
K	K004949	East Bay Municipal Utility District	September 27, 2011				
K	K004956	Walnut Valley Water District	September 27, 2011				
K	K004958	Letter to Governor Edmund G. Brown, Jr. from Phil Isenberg, Chair, Delta Stewardship Council re Support for SB 834	September 27, 2011				
K	K004959	Palmdale Water District	September 28, 2011				
K	K004963	San Joaquin County Board of Supervisors	September 28, 2011				
K	K005001	California Farm Bureau Federation	September 28, 2011				
K	K005005	To Daniel Nelson and Terry Erlewine from DSC Chair Phil Isenberg in response to an August 24 letter from the San Luis & Delta-Mendota Water Authority	September 29, 2011				
K	K005011	Solano County	September 29, 2011				
K	K005021	San Joaquin County Board of Supervisors and City of Stockton	September 29, 2011				
K	K005023	City of Torrance	September 29, 2011				
K	K005024	Lois Wolk, California State Senate	September 29, 2011				
K	K005026	Tuolumne Utilities District	September 29, 2011				
K	K005033	Department of Fish and Game	September 29, 2011				
K	K005045	Los Angeles Department of Water and Power	September 29, 2011				
K	K005047	PAC Environmental and Urban Land Use Planning Consulting Services	September 29, 2011				
K	K005052	California Association of Sanitation Agencies	September 29, 2011				
K	K005056	City of Sacramento	September 29, 2011				
K	K005063	City of Stockton	September 29, 2011				
K	K005079	The Delta Counties HCPs	September 30, 2011				
K	K005081	San Diego County Water Authority	September 30, 2011				
K	K005083	Northern California Water Association	September 30, 2011				
K	K005101	Yolo County	September 30, 2011				
K	K005114	State Water Resources Control Board	September 30, 2011				
K	K005128	State and Federal Contractors Water Agency	September 30, 2011				
K	K005154	Port of Stockton	September 30, 2011				

K	K005159	Natural Resources Defense Council, The Bay Institute, and Defenders of Wildlife	September 30, 2011				
K	K005166	MBK Engineers	September 30, 2011				
K	K005168	Local Agencies of the North Delta	September 30, 2011				
K	K005182	El Dorado County Water Agency	September 30, 2011				
K	K005188	Department of Water Resources	September 30, 2011				
K	K005231	Sacramento San-Joaquin Delta Conservancy	September 30, 2011				
K	K005237	Delta Caucus	September 30, 2011				
K	K005243	Contra Costa Water District	September 30, 2011				
K	K005257	Coalition of Environmental Justice, Tribal, and Fishing Organizations	September 30, 2011				
K	K005314	California Building Industry Association	September 30, 2011				
K	K005319	Association of California Water Agencies on behalf of the Ag-Urban Coalition	September 30, 2011				
K	K005326	American Rivers	September 30, 2011				
K	K005333	State and Federal Contractors Water Agency	September 30, 2011				
K	K005338	South Delta Water Agency	September 30, 2011				
K	K005349	Sierra Nevada Conservancy	September 30, 2011				
K	K005352	San Joaquin River Group Authority	September 30, 2011				
K	K005355	Sacramento Regional County Sanitation District	September 30, 2011				
K	K005393	Sacramento County	September 30, 2011				
K	K005402	Yuba County Water Agency	September 30, 2011				
K	K005410	Jay Lund (UC Davis) and Ellen Hanak (Public Policy Institute of California)	September 30, 2011				
K	K005412	Calaveras County Water District	September 30, 2011				
K	K005420	Central Valley Clean Water Association	September 30, 2011				
K	K005426	City of Antioch	September 30, 2011				
K	K005438	Delta Wetlands Project	September 30, 2011				
K	K005443	Glenn-Colusa Irrigation District	September 30, 2011				
K	K005463	Sacramento Regional County Sanitation District	September 30, 2011				
K	K005466	Santa Ana Watershed Project Authority	September 30, 2011				
K	K005468	Trinity Lake Revitalization Alliance	September 30, 2011				
K	K005471	Yurok Tribe	September 30, 2011				
K	K005473	Department of Fish and Game, U.S. Fish and Wildlife Service	October 4, 2011				
K	K005475	Lowell Jarvis	October 5, 2011				
K	K005481	Save Auburn Ravine Salmon and Steelhead (SARSAS)	October 5, 2011				
K	K005484	Environmental Defense Fund	October 5, 2011				
K	K005489	Environmental Water Caucus	October 14, 2011				
K	K005492	Comment Matrix, excerpts from comments received by the Delta Stewardship Council on Fifth Staff Draft Delta Plan September 24, 2011 through Oct 17 2011	October 17, 2011				
K	K005642	Delta Vision Foundation	October 26, 2011				
K	K005655	Ag Urban Coalition	November 3, 2011				
K	K005657	Calveras County Water District	November 9, 2011				
K	K005659	Port of Stockton	November 9, 2011				
K	K005660	Sacramento Regional County Sanitation District	November 9, 2011				
K	K005661	Toulomne Utilities District	November 10, 2011				
K	K005663	Delta Counties Coalition	November 10, 2011				
K	K005664	Restore the Delta	November 14, 2011				

K	K005665	Sacramento County Farm Bureau	November 14, 2011				
K	K005666	Delta Farm Bureau	November 15, 2011				
K	K005667	Regional Council of Rural Counties	November 15, 2011				
K	K005668	Toulomne Board of Supervisors	November 15, 2011				
K	K005669	Yolo County Farm Bureau	November 15, 2011				
K	K005670	A. G. Spanos	November 16, 2011				
K	K005672	G. Fred Lee & Associates	November 17, 2011				
K	K005694	California Farm Bureau Federation	November 21, 2011				
K	K005695	Customers of San Juan Water District	December 6, 2011				
K	K005753	Letter to Linda Irokawa Otani, Department of Pesticides Regulations Coordinator, from Joe Grindstaff, Executive Director, Delta Stewardship Council, re Proposed Pyrethroid Pesticides Regualtory Action	December 12, 2011				
K	K005755	Jim Verboon	December 20, 2011				
K	K005757	Burt Wilson	December 22, 2011				
K	K005758	Contra Costa Water District	December 27, 2011				
K	K005763	Urban Levee Coalition	January 4, 2012				
K	K005774	River Islands at Lathrop	January 23, 2012				
K	K005796	Endangered Species Coalition	January 27, 2012				
K	K005803	San Joaquin Council of Governments	January 30, 2012				
K	K005805	June Guidotti	February 3, 2012				
K	K005846	Delta Conservancy	February 9, 2012				
K	K005852	Robert Pyke	February 12, 2012				
K	K005863	State and Federal Contractors Water Agency	February 15, 2012				
K	K005869	Jeffrey Michael	February 16, 2012				
K	K005876	Thomas Zuckerman	February 22, 2012				
K	K005879	State Water Resources Control Board	February 22, 2012				
K	K005881	Email from Phil Isenberg, Delta Stewardship Council, to Charlie Hoppin, State Water Resources Control Board, re SWRCB 2010 report	February 23, 2012				
K	K005886	Delta Vision Foundation	March 16, 2012				
K	K005889	Delta Vision Foundation	March 23, 2012				
K	K005904	Regional Water Authority et al.	March 26, 2012				
K	K005909	North State Water Alliance	March 26, 2012				
K	K005914	Save the California Delta Alliance	March 28, 2012				
K	K005916	Ag Urban	March 28, 2012				
K	K005919	Opposition Letter to AB 1884 from Alameda County Water District	April 5, 2012				
K	K005922	Opposition Letter to ASB 1495 from Coachella Valley Water District	April 5, 2012				
K	K005925	Sacramento Regional County Sanitation District	April 6, 2012				
Final Staff Draft Delta Plan Documents, Comments and Related Correspondence							
K	K005930	Delta Vision Foundation	April 13, 2012				
K	K005937	Brenda Burman	April 20, 2012				
K	K005940	Letter to Assemblymember Dan Logue from Phil Isenberg, Delta Stewardship Council, re Opposition of AB 1871	April 23, 2012				
K	K005942	Mountain Counties Water Resources Association	May 2, 2012				
K	K005944	Final Staff Draft Delta Plan - Executive Summary	May 14, 2012				
K	K005973	Final Staff Draft Delta Plan	May 14, 2012				
K	K006305	Final Staff Draft News Release	May 14, 2012				
K	K006307	Reduced Exports Plan from Environmental Water Caucus	May 14, 2012				

K	K006325	Robert Pyke	May 21, 2012				
K	K006336	Regional Council of Rural Counties	June 5, 2012				
K	K006341	Port of Stockton	June 6, 2012				
K	K006352	Aquaforia	June 7, 2012				
K	K006353	City of Stockton	June 8, 2012				
K	K006377	Earth Law Center	June 8, 2012				
K	K006383	Restore the Delta	June 11, 2012				
K	K006488	Western Municipal Water District	June 12, 2012				
K	K006490	Tuolumne Utilities District	June 12, 2012				
K	K006504	San Joaquin Area Flood Control Agency	June 12, 2012				
K	K006521	Placer County Water Agency	June 12, 2012				
K	K006538	North State Water Alliance	June 12, 2012				
K	K006546	MBK Engineers	June 12, 2012				
K	K006549	Kern County Water Agency	June 12, 2012				
K	K006552	Cucamonga Valley Water District	June 12, 2012				
K	K006554	Contra Costa Water District	June 12, 2012				
K	K006557	Butte County	June 12, 2012				
K	K006562	Association of California Water Agencies on behalf of the Ag-Urban Coalition	June 12, 2012				
K	K006568	Tuolumne County Board of Supervisors	June 12, 2012				
K	K006584	County of Yolo Board of Supervisors	June 13, 2012				
K	K006592	East Bay Municipal Utility District	June 12, 2012				
K	K006602	City of Los Angeles Department of Water and Power	June 12, 2012				
K	K006603	Bureau of Reclamation	June 13, 2012				
K	K006605	G. Fred Lee & Associates	June 13, 2012				
K	K006610	State Water Resources Control Board and Central Valley Regional Water Quality Control Board	June 13, 2012				
K	K006622	The Nature Conservancy	June 13, 2012				
K	K006625	Water Transfer Group	June 13, 2012				
K	K006631	U.S. Fish and Wildlife Service	June 13, 2012				
K	K006634	Three Valleys Municipal Water District	June 13, 2012				
K	K006636	Sacramento Regional County Sanitation District	June 13, 2012				
K	K006639	Solano County	June 13, 2012				
K	K006642	State and Federal Contractors Water Agency	June 13, 2012				
K	K006671	San Joaquin Tributaries Authority	June 13, 2012				
K	K006675	San Joaquin County	June 13, 2012				
K	K006718	El Dorado County Water Agency	June 13, 2012				
K	K006732	Environmental Water Caucus	June 13, 2012				
K	K006739	California Department of Fish and Game	June 13, 2012				
K	K006743	Delta Vision Foundation	June 13, 2012				
K	K006771	Delta Caucus	June 13, 2012				
K	K006774	Coalition for Sustainable Delta	June 13, 2012				
K	K006783	City of Antioch	June 13, 2012				
K	K006809	California Water Research	June 13, 2012				
K	K006827	Bartkiewicz, Kronick & Shanahan	June 13, 2012				
K	K006828	Central Delta Water Agency	June 13, 2012				
K	K006856	Central Delta Water Agency - Attachment A Part 1	June 13, 2012				

K	K006886	Central Delta Water Agency - Attachment A Part 2	June 13, 2012				
K	K006918	Central Delta Water Agency - Attachments B-G	June 13, 2012				
K	K006983	Central Delta Water Agency - Other Attachments except Delta plan	June 13, 2012				
K	K007058	Bay Conservation and Development Commission	June 13, 2012				
K	K007067	Contra Costa Water District	June 13, 2012				
K	K007070	Central Valley Clean Water Association	June 13, 2012				
K	K007075	Department of Water Resources	June 13, 2012				
K	K007080	Eastern Municipal Water District	June 13, 2012				
K	K007082	Local Agencies North of the Delta	June 13, 2012				
K	K007098	Natural Resources Defense Council	June 13, 2012				
K	K007136	Pacific Gas & Electric	June 13, 2012				
K	K007139	Mojave Water Agency	June 14, 2012				
K	K007142	Tom Zuckerman	June 14, 2012				
K	K007145	Delta Vision Foundation	June 15, 2012				
K	K007147	Delta Vision Foundation	June 15, 2012				
K	K007150	The Bay Institute	June 15, 2012				
K	K007155	U.S. Bureau of Reclamation	June 15, 2012				
K	K007160	Lisa Kirk	June 15, 2012				
K	K007259	Public Policy Institute of California	June 15, 2012				
K	K007261	Comment Matrix, excerpts from comments received by the Delta Stewardship Council on Final Staff Draft Delta Plan as of June 20 2012	June 20, 2012				
K	K007490	Public Water News Service	June 20, 2012				
K	K007492	Department of Water Resources	June 20, 2012				
K	K007506	BSK, Associates	June 21, 2012				
K	K007508	Local Agencies North of the Delta	June 22, 2012				
K	K007510	State and Federal Contractor's Water Agency	June 25, 2012				
K	K007512	Burbank Water and Power	June 26, 2012				
K	K007513	Association of California Water Agencies	June 27, 2012				
K	K007515	Contra Costa Water District	June 27, 2012				
K	K007520	Coalition for a Sustainable Delta	June 27, 2012				
K	K007528	San Luis Delta Mendota Water Agency	June 27, 2012				
K	K007530	Coachella Valley Water District	June 27, 2012				
K	K007533	Contra Costa County Dept. Conservation and Development	June 27, 2012				
K	K007534	California State Sentate, Jared Huffman	June 28, 2012				
K	K007536	Bethel Island Municipal Improvement District	June 29, 2012				
K	K007537	B. Burman	June 29, 2012				
K	K007538	California Farm Bureau Federation	June 29, 2012				
K	K007545	Lisa Kirk	June 29, 2012				
K	K007550	Jody Mazarella	June 29, 2012				
K	K007566	Pacific Coast Federation of Fisherman's Association	June 29, 2012				
K	K007578	Robert Pyke	June 29, 2012				
K	K007581	Letter from Phil Isenberg to Joan Buchanan, California State Assembly regarding Delta Reform Act of 2009: Covered Actions	July 2, 2012				
K	K007585	Sacramento Regional County Sanitation District	July 3, 2012				
K	K007588	California Water Impact Network	July 3, 2012				
K	K007616	Ten Letters from Phil Isenberg to Various People re Comments on Covered Actions	July 6, 2012				

K	K007646	Delta Vision Foundation	July 6, 2012				
K	K007648	Local Agencies North of the Delta	July 9, 2012				
K	K007652	Comment Matrix, excerpts from comments received by the Delta Stewardship Council on Final Staff Draft Delta Plan June 21 to July 10 2012	July 10, 2012				
K	K007680	Metropolitan Water District	July 11, 2012				
K	K007683	Northern California Water Association and Regional Water Authority	July 11, 2012				
K	K007684	Letter from Dan Ray, Chief Deputy Executive Officer to Michael Machado, Director Delta Protection Commission	July 13, 2012				
K	K007691	City of Stockton	July 17, 2012				
K	K007693	River Islands at Lathrop	July 17, 2012				
K	K007695	California State Senator Lois Wolk	July 19, 2012				
K	K007700	Letter from C. Messer, Acting Deputy Director to Susan Dell'Osso, Project Director River Islands at Lathrop	July 27, 2012				
K	K007702	Delta Protection Commission	August 1, 2012				
K	K007709	Letter from Dan Ray, DSC Chief Deputy Ex. Ofcr., to Michael Machado, Delta Protection Commission Ex. Dir., re: the discussion of the Delta Stewardship Council's review of the Delta Protection Commission's Economic Sustainability Plan	August 7, 2012				
K	K007714	River Islands at Lathrop	August 8, 2012				
K	K007718	Part 1 of 3 Delta Protection Commission Letter from Mike Machado re two DPC Project Portfolios	August 9, 2012				
K	K007725	Part 2 of 3 Delta Protection Commission Letter from Mike Machado re two DPC Project Portfolios	August 9, 2012				
K	K007732	Part 3 of 3 Delta Protection Commission Letter from Mike Machado re two DPC Project Portfolios	August 9, 2012				
K	K007739	Letter from Cindy Messer to Nelson Bahler re developments in Stockton as covered actions under the Delta Plan	August 10, 2012				
K	K007741	Letter from C. Messer, Acting Deputy Director to Nelson E. Bahler, Executive Vice President, The Grupe Company	August 10, 2012				
K	K007743	Letter from C. Messer, Acting Deputy Director to Michael Brown, Brown Sand, Inc.	August 10, 2012				
K	K007745	John S. Mills	August 23, 2012				
K	K007749	Letter from DSC Chair Phil Isenberg to Terry Spragg & a response from Mr. Spragg re:Mr. Spragg's request to have his pipeline technology be included in the draft Delta Plan documents	August 30, 2012				
Proposed Final Draft Delta Plan Documents, Comments and Related Correspondence							
K	K007752	County of Sacramento	August 31, 2012				
K	K007770	Proposed Final Draft Delta Plan	September 5, 2012				
K	K008128	Proposed Final Draft Delta Plan - Redline vs. May version	September 5, 2012				
K	K008524	Proposed Final Draft Delta Plan - Appendices	September 5, 2012				
K	K008778	Proposed Final Draft Delta Plan - Appendices- Redline vs. May version	September 5, 2012				
K	K009032	Cover Memo for the Revised Delta Plan Maps	September 7, 2012				
K	K009033	Revised Delta Plan Figure 1-3	September 7, 2012				
K	K009034	Revised Delta Plan Figure 5-1	September 7, 2012				
K	K009035	Revised Delta Plan Figure 7-5	September 7, 2012				
K	K009036	Northern California Water Association and Regional Water Authority	September 11, 2012				
K	K009037	El Dorado Irrigation District	September 12, 2012				

K	K009041	Regional Council of Rural Counties	September 13, 2012				
K	K009044	Golden Gate Salmon Association	September 24, 2012				
K	K009058	State and Federal Contractors Water Agency	September 26, 2012				
K	K009066	Local Agencies of the North Delta	October 10, 2012				
K	K009071	Sacramento County	October 18, 2012				
K	K009074	Letter from Cindy Messer to Jeffrey Cavanaugh re Mallard Farms role of DSC regarding project	October 19, 2012				
K	K009105	Bethel Island Municipal Improvement District	October 20, 2012				
K	K009110	Delta Vision Foundation	October 24, 2012				
K	K009112	San Joaquin County Board of Supervisors - Including Attachments 1-4	October 24, 2012				
K	K009425	San Joaquin County Board of Supervisors Attachment 8	October 25, 2012				
K	K009468	San Joaquin County Board of Supervisors Attachment 5	October 25, 2012				
K	K009506	San Joaquin County Board of Supervisors Attachment 6	October 25, 2012				
K	K009556	San Joaquin County Board of Supervisors Attactment 7 Part 1	October 25, 2012				
K	K009606	San Joaquin County Board of Supervisors Attachment 7 Part 2	October 25, 2012				
K	K009616	San Joaquin County Board of Supervisors Attachment 7 Part 3	October 25, 2012				
K	K009626	San Joaquin County Board of Supervisors Attachment 7 Part 4	October 25, 2012				
K	K009636	San Joaquin County Board of Supervisors Attachment 7 Part 5	October 25, 2012				
K	K009646	San Joaquin County Board of Supervisors Attachment 7 Part 6	October 25, 2012				
K	K009657	San Joaquin County Board of Supervisors Attachment 7 Part 7	October 25, 2012				
K	K009691	San Joaquin County Board of Supervisors Attachment 7 Part 8	October 25, 2012				
K	K009734	Letter from Phil Isenberg to Senator Barbara Boxer re Designation of Natural Heritage Area	October 26, 2012				
K	K009736	Letter from Phil Isenberg to Senator Diane Feinstein re Designation of Natural Heritage Area	October 26, 2012				
K	K009738	Letter from Phil Isenberg to Representative John Garamendi re Designation of Natural Heritage Area	October 26, 2012				
K	K009740	Letter from Phil Isenberg to Representative Dan Lungren re Designation of Natural Heritage Area	October 26, 2012				
K	K009742	Letter from Phil Isenberg to Representative Doris Matsui re Designation of Natural Heritage Area	October 26, 2012				
K	K009744	Letter from Phil Isenberg to Representative Jerry McNerney re Designation of Natural Heritage Area	October 26, 2012				
K	K009746	Letter from Phil Isenberg to Representative George Miller re Designation of Natural Heritage Area	October 26, 2012				
K	K009748	Letter from Phil Isenberg to Representative Mike Thompson re Designation of Natural Heritage Area	October 26, 2012				
K	K009750	Letter from Dan Ray to Susan Dell'Osso, Project Director River Islands at Lathrop	November 5, 2012				
K	K009752	Letter from Dan Ray to City of Stockton Mayor Ann Johnston	November 8, 2012				
K	K009756	Sacramento County Department of Water Resources	November 20, 2012				
K	K009765	Environmental Water Caucus	November 23, 2012				
K	K009767	San Joaquin Council of Governments	November 28, 2012				
K	K009769	City of Stockton	November 28, 2012				
K	K009771	Farm Bureau Delta Caucus - Contra Costa, Sacramento, San Joaquin, Solano, Yolo	November 28, 2012				
K	K009772	Stockton East Water District	November 30, 2012				

K	K009773	Final Draft Delta Plan	November 30, 2012				
K	K010141	Final Draft Delta Plan, Appendixes	November 30, 2012				
K	K010401	Final Draft Delta Plan, Glossary	November 30, 2012				
K	K010421	Delta Plan Errata - Changes from the September 5th version	November 30, 2012				
K	K010426	The Grupe Company	December 4, 2012				
K	K010428	Delta Counties Coalition	December 6, 2012				
K	K010433	Letter from Jessica Davenport, Senior Planner, to Jeffrey Cavanaugh, Greenleaf Conservation and Mitigation Services	December 6, 2012				
K	K010435	Environmental Water Caucus	December 17, 2012				
K	K010437	Regional Council of Rural Counties	December 27, 2012				
K	K010439	Regional Council of Rural Counties	December 27, 2012				
K	K010442	Janet McCleery	December 30, 2012				
K	K010445	Jim and Lyn Hall	December 30, 2012				
K	K010446	Susan Ludwig	December 31, 2012				
K	K010447	Steve Dinger	January 2, 2013				
K	K010448	Tuolumne Utilities District	January 3, 2013				
K	K010464	Susan Barrow	January 4, 2013				
K	K010465	Alan Bargman	January 4, 2013				
K	K010466	Calaveras County Water District	January 4, 2013				
K	K010482	Peter Sustarich	January 8, 2013				
K	K010483	Linda Hodges	January 8, 2013				
K	K010485	Leonard Lloyd	January 9, 2013				
K	K010486	Solano County Water Agency	January 9, 2013				
K	K010487	El Dorado Irrigation District	January 10, 2013				
K	K010491	Burt Wilson	January 11, 2013				
K	K010494	Friends of the River, part 1	January 11, 2013				
K	K010510	Friends of the River, part 2	January 11, 2013				
K	K010530	Mosquito and Vector Control Association of California	January 11, 2013				
K	K010532	Nicole Suard - part 1	January 11, 2013				
K	K010544	Nicole Suard - part 2	January 11, 2013				
K	K010556	Dave Kroske	January 11, 2013				
K	K010557	Daniel Brower	January 11, 2013				
K	K010558	Contra Costa Water District, part 1	January 11, 2013				
K	K010592	Contra Costa Water District, part 2	January 11, 2013				
K	K010627	Contra Costa Water District, part 3	January 11, 2013				
K	K010657	Contra Costa Water District, part 4	January 11, 2013				
K	K010695	Janet McCleery	January 12, 2013				
K	K010696	Don and Susan Ludwig	January 13, 2013				
K	K010697	Janet McCleery	January 13, 2013				
K	K010699	Ken [no last name provided]	January 13, 2013				
K	K010701	Cam Donald	January 13, 2013				
K	K010702	Karen Mann	January 13, 2013				
K	K010703	Shirley and David Lopes	January 13, 2013				
K	K010704	Ed Coats	January 13, 2013				
K	K010705	Kent Snyder	January 14, 2013				
K	K010706	Michael McCleery	January 14, 2013				
K	K010708	Janet McCleery	January 14, 2013				

K	K010709	Pat Borison	January 14, 2013				
K	K010711	Bob Ackerly	January 14, 2013				
K	K010713	Central Valley Flood Protection Board	January 14, 2013				
K	K010715	State Water Resources Control Board	January 14, 2013				
K	K010717	Hoopa Valley Tribal Council	January 14, 2013				
K	K010738	Pacific Gas and Electric Company	January 14, 2013				
K	K010741	California Farm Bureau Federation	January 14, 2013				
K	K010750	Save the California Delta Alliance	January 14, 2013				
K	K010758	California Central Valley Flood Control Association	January 14, 2013				
K	K010770	San Joaquin Tributaries Authorities - part 1	January 14, 2013				
K	K010775	San Joaquin Tributaries Authorities - part 2	January 14, 2013				
K	K010779	Friends of the River	January 14, 2013				
K	K010795	Golden Gate Salmon Association	January 14, 2013				
K	K010809	Delta Vision Foundation	January 14, 2013				
K	K010887	California Association of Sanitation Agencies	January 14, 2013				
K	K010891	California Water Research - part1	January 14, 2013				
K	K010896	Richard Tirrell	January 14, 2013				
K	K010897	Cecily Tippiery	January 14, 2013				
K	K010898	Paul Thomas	January 14, 2013				
K	K010899	Dave Biron	January 14, 2013				
K	K010900	Scott Ritter	January 14, 2013				
K	K010901	Lawrence Riley	January 14, 2013				
K	K010902	Bob Pope	January 14, 2013				
K	K010903	Mark Patton	January 14, 2013				
K	K010904	Ken Nolan	January 14, 2013				
K	K010905	B McSwain	January 14, 2013				
K	K010906	Chris McKay	January 14, 2013				
K	K010907	Kathleen Kimberling	January 14, 2013				
K	K010910	Lewis Keizer	January 14, 2013				
K	K010911	Erik Jones	January 14, 2013				
K	K010912	Bob Johnston	January 14, 2013				
K	K010913	Raymond Handyside	January 14, 2013				
K	K010914	Bill Dean	January 14, 2013				
K	K010915	Jerry Creech	January 14, 2013				
K	K010916	Diane Cranor	January 14, 2013				
K	K010917	Angela Brantley	January 14, 2013				
K	K010918	David Bacci	January 14, 2013				
K	K010919	Bruce Adornato	January 14, 2013				
K	K010920	Contra Costa Water District	January 14, 2013				
K	K010923	City of Stockton	January 14, 2013				
K	K010937	Tehama Colusa Canal Authority	January 14, 2013				
K	K010943	San Luis & Delta-Mendota Water Authority; State Water Contractors, Inc.	January 14, 2013				
K	K010968	City of West Sacramento	January 14, 2013				
K	K010971	Central Delta Water Agency	January 14, 2013				
K	K010991	Placer County Water Agency	January 14, 2013				
K	K010993	Contra Costa County Water Agency	January 14, 2013				
K	K010996	Westlands Water District	January 14, 2013				

K	K011792	Sacramento Regional County Sanitation District	January 14, 2013				
K	K011804	State and Federal Water Contractors Water Agency; San Luis & Delta-Mendota Water Authority; State Water Contractors	January 14, 2013				
K	K011819	Tuolumne County Board of Supervisors	January 14, 2013				
K	K011838	El Dorado County Water Agency	January 14, 2013				
K	K011854	Central Delta Water Agency	January 14, 2013				
K	K011874	Mike Mellon	January 15, 2013				
K	K011875	Robert MacBride	January 15, 2013				
K	K011876	Nick Bruce	January 15, 2013				
K	K011877	California Department of Water Resources	January 17, 2013				
K	K011879	Janet McCleery	January 24, 2013				
K	K011882	Kathleen Kimberling	January 24, 2013				
K	K011884	Central Valley Flood Protection Board	January 24, 2013				
K	K011890	Save the California Delta Alliance	January 24, 2013				
K	K011893	Restore the Delta	January 24, 2013				
K	K011895	Local Agencies of the North Delta	January 24, 2013				
K	K011900	Friends of the River	January 24, 2013				
K	K011905	Environment Water Caucus	January 24, 2013				
K	K011910	California Water Research, part 1	January 24, 2013				
K	K011914	California Water Research, part 2	January 24, 2013				
K	K011919	Comment Matrix, excerpts from comments received by the Delta Stewardship Council on the Final Delta Plan through January 17, 2013	January 28, 2013				
K	K012166	Bay Conservation and Development Commission	January 31, 2013				
K	K012169	Comment Matrix, excerpts from comments received by the Delta Stewardship Council on the Final Delta Plan Jan 17 through Jan 24 2013 - Compiled February 1, 2013	February 1, 2013				
K	K012196	Comment Matrix, excerpts from comments received by the Delta Stewardship Council on the Final Delta Plan from Jan 24 2013 Compiled Feb 13 2013	February 13, 2013				
K	K012204	San Joaquin Tributary Authority	March 1, 2013				
K	K012207	Letter from Cindy Messer, Deputy Executive Officer, to Aaron Hoyt, San Joaquin Council of Governments	March 6, 2013				
K	K012211	Gordon Armstrong	April 11, 2013				
K	K012212	BSK Associates Engineers & Laboratories	April 15, 2013				
K	K012213	Solano County Water Agency	April 15, 2013				
K	K012214	San Joaquin Council of Governments	April 16, 2013				
K	K012216	Letter from Christopher Knopp, Executive Director, to Mayor Anthony Silva	April 16, 2013				
K	K012222	Contra Costa Water District	April 17, 2013				
K	K012225	East Bay Municipal Utility District	April 19, 2013				
K	K012230	California Water Research	April 22, 2013				
K	K012471	Local Agencies of the North Delta	April 22, 2013				
K	K012475	Center for Biological Diversity	April 22, 2013				
K	K012655	San Joaquin Council of Governments	April 22, 2013				
K	K012657	Environmental Water Caucus, et al	April 22, 2013				
K	K012662	Friends of the River	April 22, 2013				
K	K012737	City of Sacramento	April 22, 2013				
K	K012741	Central Delta Water Agency	April 22, 2013				

K	K012768	San Luis & Delta-Mendota Water Authority part 1 of 2	April 22, 2013				
K	K013068	San Luis & Delta-Mendota Water Authority part 2 of 2	April 22, 2013				
K	K013315	City of Antioch	April 22, 2013				
K	K013317	San Joaquin County	April 22, 2013				
K	K013341	Sacramento County	April 22, 2013				
K	K013347	San Joaquin Tributaries Authority	April 22, 2013				
K	K013352	Yolo County	April 22, 2013				
K	K013362	California Department of Fish and Wildlife	April 22, 2013				
K	K013365	South Delta Water Agency	April 23, 2013				
K	K013366	California Department of Fish and Wildlife - 2nd Letter	April 29, 2013				
K	K013369	San Luis and Delta Mendota Water Authority	May 1, 2013				
K	K013386	San Joaquin Tributaries Authority	May 1, 2013				
K	K013388	City of Stockton	May 7, 2013				
K	K013394	City of Stockton	May 8, 2013				
K	K013396	San Joaquin County Board of Supervisors	May 9, 2013				
K	K013398	City of Stockton	May 9, 2013				
K	K013401	Environmental Water Caucus	May 14, 2013				
K	K013405	The Nature Conservancy	May 14, 2013				
K	K013407	San Luis and Delta-Mendota Water Authority and Westlands Water District	May 15, 2013				
K	K013420	Friends of the River	May 15, 2013				
K	K013425	Senator Darrell Steinberg	May 15, 2013				
K	K013427	California Natural Resources Agency	May 15, 2013				
K	K013429	Public Policy Institute of California	May 15, 2013				
K	K013430	Robert Pyke	May 15, 2013				
K	K013434	San Luis and Delta-Mendota Water Authority and State Water Contractors	May 16, 2013				
K	K013441	Golden Gate Salmon Association - GGSA	May 16, 2013				
K	K013443	Nicole Suard	May 16, 2013				
K	K013482	Debbie Elliot	May 16, 2013				
K	K013485	Barbara Daly	May 16, 2013				
K	K013487	Soluri Meserve	May 16, 2013		Letter and BDCP documents submitted with letter are in Section I.		
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Record Section	Bates Number	AttRange	DateSent	Email Subject	From	To	CC
M. Electronic Mail							
M	M000001		07/16/2010	[Delta_Council_Informati	Jeanne.Brantigan@CH2M.com	M.com	Terry@DeltaCouncil ; Nichol,
M	M000004		12/08/2010	for Science Program	Macaulay, Terry@DeltaCouncil	Nichol, Eric@DeltaCouncil	Gwendolyn.Buchholz@CH2M.com
M	M000006		01/03/2011	RE: Delta Plan NOP	Thomas. Don (MSA)	Gwendolyn.Buchholz@CH2M.com; Nichol, Eric@DeltaCouncil	Dillon.Cowan@CH2M.com
M	M000008		01/05/2011	Re: In the office now	Isenberg, Phil@DeltaCouncil	Nelson, Barry@nrdc.org	
M	M000010		01/05/2011	FW: tribal outreach	Macaulay, Terry@DeltaCouncil	Grindstaff, Joe@DeltaCouncil	Coolidge, Keith@DeltaCouncil ; Alvarez, Eric@DeltaCouncil ; Isenberg, Phil@DeltaCouncil
M	M000012	M000012 - M000014	01/07/2011	Letter to John Laird	Martin, Elaine@DeltaCouncil	Pearson, Jessica@DeltaCouncil	

M	M000013	M000012 - M000014	01/07/2011	Attachment: Letter to John Laird from Delta Stewardship Council			
M	M000015		01/25/2011	Re: Summary of January 27-28 meeting Agenda for Delta Stewardship Council	Nichols, Mary D. @ARB	Isenberg, Phil@DeltaCouncil	
M	M000019		01/25/2011	RE: Summary of January 27-28 meeting Agenda for Delta Stewardship Council	Nawi, David	Isenberg, Phil@DeltaCouncil	Belin, Letty
M	M000022		01/25/2011	FW: Summary of January 27-28 meeting Agenda for Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	David_Nawi@ios.doi.gov	
M	M000025		01/25/2011	FW: Summary of January 27-28 meeting Agenda for Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	costadistrictschedule@mail.house.gov; Jaclyn.Murray@mail.house.gov	
M	M000028		01/25/2011	FW: Summary of January 27-28 meeting Agenda for Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	george.miller@mail.house.gov; Kathy.Hoffman@mail.house.gov; Barb.Johnson@mail.house.gov; Miller, Ben	
M	M000031		01/25/2011	FW: Summary of January 27-28 meeting Agenda for Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	pelosi@mail.house.gov; Dan.Bernal@mail.house.gov	
M	M000034		01/25/2011	FW: Summary of January 27-28 meeting Agenda for Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	boxer@senate.gov; lynn_abramson@boxer.sen	
M	M000037		01/25/2011	FW: Summary of January 27-28 meeting Agenda for Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	feinstein@senate.gov; Russin, Leah	
M	M000040		01/25/2011	FW: Summary of January 27-28 meeting Agenda for Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	assemblymember.conway@assembly.ca.gov	
M	M000043		01/25/2011	FW: Summary of January 27-28 meeting Agenda for Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	senator.dutton@sen.ca.gov	
M	M000046		01/25/2011	FW: Summary of January 27-28 meeting Agenda for Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Nichols, Mary D. @ARB	
M	M000049		01/25/2011	FW: Summary of January 27-28 meeting Agenda for Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	assemblymember.john.perez@assembly.ca.gov; Ramirez, Sara	

M	M000052		01/25/2011	FW: Summary of January 27-28 meeting Agenda for Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Steinberg Darrell ; kip.lipper@sen.ca.gov	
M	M000055		01/25/2011	FW: Summary of January 27-28 meeting of Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	nancy.mcfadden@gov.ca.gov ; james.humes@gov.ca.gov	
M	M000058		01/28/2011	RE: Delta HCP	David Okita	Macaulay, Terry@DeltaCouncil ; Buchholz, Gwendolyn/BAO ; Christophel, David/SAC	Chris Lee ; John Hopkins ; Maria.Wong@yolocounty.org ; John Kopchik ; Joyce Hunting ; radmacherr@saccounty.net
M	M000061		01/29/2011	FW: DSC meeting presentation on flows - Cliff Dahm	Dahm, Cliff@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Fiorini, Randy@DeltaCouncil	
M	M000064	M000064 - M000072	02/03/2011	LAO Report to Asm WP&W Committee on Groundwater 02.01.11	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Gwendolyn.Buchholz@CH2 M.com; Macaulay, Terry@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Davis, Martha@Delta Council ; Farber, Aaron@DeltaCouncil	
M	M000065	M000064 - M000072	02/03/2011	Attachment: Improving Management of the State's Groundwater Resources			
M	M000073		02/14/2011	Re: Delta Stewardship Council first staff draft Delta Plan to be released late today	Russin, Leah (Feinstein)	Isenberg, Phil@DeltaCouncil	
M	M000076		02/14/2011	RE: Delta Stewardship Council first staff draft Delta Plan to be released late today	Ken Alex	Isenberg, Phil@DeltaCouncil ; Nancy McFadden ; Cliff Rechtschaffen	
M	M000079		02/14/2011	RE: Delta Stewardship Council first staff draft Delta Plan to be released late today	Jerry Meral	Isenberg, Phil@DeltaCouncil	
M	M000082		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	george.miller@mail.house.gov; Kathy.Hoffman@mail.house.gov; Barb.Johnson@mail.house.gov; Miller, Ben	

M	M000085		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	Kathy.Arts@mail.house.gov	
M	M000088		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	boxer@senate.gov; lynn_abramson@boxer.senate.gov	
M	M000091		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	Dan.Bernal@mail.house.gov	
M	M000094		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	feinstein@senate.gov; Russin, Leah	
M	M000097		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	assemblymember.solorio@assembly.ca.gov; Brandt, Alf	
M	M000100		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	Assemblymember.Valadao@assembly.ca.gov	
M	M000103		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	assemblymember.perez@assembly.ca.gov; Ramirez, Sara	
M	M000106		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	Assemblymember.Yamada@assembly.ca.gov	
M	M000109		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	Assemblymember.Olsen@assembly.ca.gov	
M	M000112		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	assemblymember.conway@assembly.ca.gov; dillon.gibbons@asm.ca.gov	
M	M000115		02/14/2011	RE: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	Burns, Chris	
M	M000119		02/14/2011	RE: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	Ken Alex	
M	M000123		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	Nichols, Mary D. @ARB ; Stewart, Shannon@ARB	

M	M000126		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	John Laird	king@resources.c.agov; b.gerbs@resources.ca.gov; friend@water.ca.gov; jortiz@dfg.ca.gov; ahowe@dfg.ca.gov; nancy.aquino@waterboards.ca.gov; smaci@waterboards.ca.gov
M	M000129		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	senator.dutton@sen.ca.gov; chris.burns@sen.ca.gov	
M	M000132		02/14/2011	FW: Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	Steinberg Darrell	
M	M000135		02/14/2011	Delta Stewardship Council first staff draft Delta Plan to be released late today	Isenberg, Phil@DeltaCouncil	nancy.mcfadden@gov.ca.gov ; cliff.rechtschaffen@gov.ca.gov; ken.alex@gov.ca.gov	
M	M000138		02/14/2011	Re: Delta Stewardship Council first staff draft Delta Plan to be released late today	Holtz, Chris	Isenberg, Phil@DeltaCouncil	
M	M000142		02/14/2011	Re: Delta Stewardship Council first staff draft	Burns, Chris	Isenberg, Phil@DeltaCouncil	
M	M000146		02/14/2011	RE: Delta Stewardship Council first staff draft Delta Plan to be released late today	Burns, Chris	Isenberg, Phil@DeltaCouncil	
M	M000150		02/14/2011	Re: Delta Stewardship Council first staff draft	Abramson, Lynn (Boxer)	Isenberg, Phil@DeltaCouncil	
M	M000153		02/15/2011	Re: Delta Stewardship Council first staff draft Delta Plan to be released late today	Bright, Kealii	Isenberg, Phil@DeltaCouncil	
M	M000156		02/17/2011	for what it is worth	Pearson, Jessica@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M000157		02/24/2011	Meeting with Delta HCPs/NCCPs re Delta Plan Mapping	Chris Lee	Christophel, David/SAC	

M	M000158	M000158 - M000173	02/25/2011	Papers Referenced During DSC Meeting	Cowan, Dillon@DeltaCouncil	Anne Lynch ; Brantigan, Jeanne ; Brantigan, Jeanne@DeltaCouncil ; Buchholz, Gwen@DeltaCouncil ; Christie Vosburg ; Coolidge, Keith@DeltaCouncil ; Cowan, Dillon@DeltaCouncil ; DAmbrosio, Angela@DeltaCouncil ; Dan Siegel ; David Christophel ; Davis, Martha@Delta Council ; Dillon Cowan ; Don Nottoli ; Dr. Robert Twiss ; Felicia Marcus ; Fiorini, Randy@DeltaCouncil ; Gloria Gray ; Gray, Gloria@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Gwen Buchholz ; Hank Nordhoff ; Isenberg, Phil@DeltaCouncil ; John Kirlin ; Johnston, Patrick@DeltaCouncil ; Lynch, Anne@DeltaCouncil ; Marcus, Felicia@DeltaCouncil ; Martin, Elaine@DeltaCouncil ; Martha Davis ; Miller, Curtis@DeltaCouncil ;	
M	M000161	M000158 - M000173	02/25/2011	Attachment: Satellites measure recent rates of groundwater depletion in California's Central Valley			
M	M000165	M000158 - M000173	02/25/2011	Attachment: Famiglietti, et al. Geophys Res Letter.job options			
M	M000171	M000158 - M000173	02/25/2011	Attachment: Uncertainty, Resource Exploitation, and Conservation: Lessons from History			

M	M000174	M000174 - M000175	03/01/2011	Consideration of Delta Vision Strategies for Core Policy Meetings	Gwendolyn.Buchholz@CH2M.com	joe.grindstaff@deltacouncil.ca.gov; Martha Davis ; keith.coolidge@deltacouncil.ca.gov; Phil.Isenberg@deltacouncil.ca.gov; Jessica.Pearson@deltacouncil.ca.gov; terry.macaulay@deltacouncil.ca.gov; chris.stevens@deltacouncil.ca.gov; sam.harader@deltacouncil.ca.gov; lauren.hastings@deltacouncil.ca.gov; eric.nichol@deltacouncil.ca.gov; Kevan.Samsam@deltacouncil.ca.gov;	Jeff.Goldman@aecom.com; David.Christophel@CH2M.com; Brian.DeLemos@hdrinc.com; jkirlin@comcast.net; twiss@rtasc.com; Jeanne.Brantigan@CH2M.com
M	M000175	M000174 - M000175	03/01/2011	Attachment: Consideration of Delta Vision Strategies for Core Policy Meetings			
M	M000176	M000176 - M000178	03/02/2011	RE: joe's memo to council from feb 14	Martin, Elaine@DeltaCouncil	Pearson, Jessica@DeltaCouncil	
M	M000177	M000176 - M000178	03/02/2011	Attachment: Memo to Delta Stewardship Council Members from Joe Grindstaff re Delta Plan - First Draft			
M	M000179		03/02/2011	RE: Staff Memorandum related to potential development within the Secondary Zone	Isenberg, Phil@DeltaCouncil	Gwendolyn.Buchholz@CH2M.com; Grindstaff, Joe@DeltaCouncil	

M	M000181	M000181 - M000213	03/07/2011	Summary of the Reasonable and Prudent Actions from the USFWS and NMFS Biological Opinions	Gwendolyn.Buchholz@CH2M.com	joe.grindstaff@deltacouncil.ca.gov; chris.stevens@deltacouncil.ca.gov; terry.macaulay@deltacouncil.ca.gov; keith.coolidge@deltacouncil.ca.gov; anke.mueller-solger@deltacouncil.ca.gov; lauren.hastings@deltacouncil.ca.gov; sam.harader@deltacouncil.ca.gov; eric.nichol@deltacouncil.ca.gov; Kevan.Samsam@deltacouncil.ca.gov; Jessica.Pearson@deltacouncil.ca.gov; Martha Davis	
M	M000182	M000181 - M000213	03/07/2011	Attachment: Draft of Recommended Reasonable and Prudent Action in December 2008 BO			
M	M000183	M000181 - M000213	03/07/2011	Attachment: Recommended Reasonable Prudent Action in June 2009 NMFS BO			
M	M000214		03/15/2011	FW: Latest version of Policies and Recommendations	Gwendolyn.Buchholz@CH2M.com	Nichol, Eric@DeltaCouncil	
M	M000216	M000216 - M000241	03/15/2011	FW: Question about sea level rise and Delta	Pearson, Jessica@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Farber, Aaron@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; Martha Davis	gbuchhol@ch2m.com
M	M000217	M000216 - M000241	03/15/2011	Attachment: State of California Sea-Level Rise Interim Guidance Document October 2010			
M	M000235	M000216 - M000241	03/15/2011	Attachment: Proposed Resolution of the California Ocean Protection Council on Sea-Level Rise March 11, 2011			

M	M000238	M000216 - M000241	03/15/2011	Attachment: Memo to Ocean Protection Council from Abe Dougherty re Revised Resolution of the Ocean Protection Council on Sea Level Rise, Proposed Revised Resolution, Seal Level Rise Task Force Interim Guidance Document			
M	M000242		03/17/2011	RE: LAO comments: March 16 Internal Version of Second Staff Draft Delta Plan for Interagency Red Flag Review	Coolidge, Keith@DeltaCouncil	Miller, Curtis@DeltaCouncil ; Macaulay, Terry@DeltaCouncil ; Gwendolyn.Buchholz@CH2M.com; Grindstaff, Joe@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Davis, Martha@Delta Council ; Stevens, Chris@DeltaCouncil ; jkirlin@comcast.net; Dr. Robert Twiss ; Nichol, Eric@DeltaCouncil ; Samsam, Kevan@DeltaCouncil ; Hastings, Lauren@DeltaCouncil	
M	M000244		03/17/2011	RE: delta plan release	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil	
M	M000247	M000247 - M000250	03/18/2011	FW: Risk Management Policy Recommendations	Grindstaff, Joe@DeltaCouncil	Dillon.Cowan@CH2M.com; Gwendolyn.Buchholz@CH2M.com; Macaulay, Terry@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; mdavis@ieua.org	Nichol, Eric@DeltaCouncil
M	M000248	M000247 - M000250	03/18/2011	Attachment: Recommended Policy Statements for Delta Emergency Preparedness			
M	M000251		03/18/2011	RE: Second staff draft Delta Plan	OConnor, Dennis	Isenberg, Phil@DeltaCouncil ; Senator Pavley ; Craven, William ; Ajami, Newsha	
M	M000256		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Laura.Parra@asm.ca.gov	
M	M000261		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Lucas.Frerichs@asm.ca.gov	

M	M000266		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Aracely.Campa@asm.ca.gov	
M	M000271		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Katerina.Robinson@asm.ca.gov	
M	M000276		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	David_Nawi@ios.doi.gov; letty_belin@ios.doi.gov; eileen_sobeck@ios.doi.gov	
M	M000281		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	benjamin.cardenas@mail.house.gov; Calimlim, Camille ; Jay Chen	
M	M000286		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	costadistrictschedule@mail.house.gov; Jaclyn.Murray@mail.house.gov	
M	M000291		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	george.miller@mail.house.gov; Kathy.Hoffman@mail.house.gov; Barb.Johnson@mail.house.gov; Miller, Ben	
M	M000296		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Kathy.Arts@mail.house.gov	
M	M000301		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	boxer@senate.gov; lynn_abramson@boxer.senate.gov	
M	M000306		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Dan.Bernal@mail.house.gov	
M	M000311		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Nancy Sutley ; Michael J. Boots	
M	M000316		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	feinstein@senate.gov; Russin, Leah	
M	M000321		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.wolk@sen.ca.gov; McIntyre, Mindy ; tina.andolina@sen.ca.gov	
M	M000326		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.simitian@sen.ca.gov; alan.gordon@sen.ca.gov	
M	M000331		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.pavley@sen.ca.gov; william.craven@sen.ca.gov; Dennis.OConnor@SEN.CA.GOV; newsha.ajami@sen.ca.gov	
M	M000336		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.padilla@senate.ca.gov; megan.morete@sen.ca.gov	

M	M000341		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Senator.lowenthal@senate.ca.gov; meegan.murray@sen.ca.gov	
M	M000346		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	steve.mccarthy@sen.ca.gov	
M	M000351		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.lamalfa@senate.ca.gov; kevin.eastman@sen.ca.gov	
M	M000356		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.fuller@senate.ca.gov; rocel.bettencourt@sen.ca.gov	
M	M000361		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.kehoe@senate.ca.gov; linda.barr@sen.ca.gov	
M	M000366		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.evans@senate.ca.gov; teresa.schilling@sen.ca.gov	
M	M000371		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.cannella@senate.ca.gov; erin.guerrero@sen.ca.gov	
M	M000376		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Valadao@assembly.ca.gov; tal.eslick@asm.ca.gov	
M	M000381		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Yamada@assembly.ca.gov; rebecca.nieto@asm.ca.gov	
M	M000386		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	assemblymember.solorio@assembly.ca.gov; Brandt, Alf	
M	M000391		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Olsen@assembly.ca.gov; matt.theis@asm.ca.gov	
M	M000396		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Lara@assembly.ca.gov; laura.cara@asm.ca.gov	
M	M000401		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Nielsen@assembly.ca.gov; chris.norden@asm.ca.gov	
M	M000406		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Jones@assembly.ca.gov; laurie.paredes@asm.ca.gov	
M	M000411		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Hueso@assembly.ca.gov; lourdes.jimenez@asm.ca.gov	

M	M000416		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	assemblymember.huffman@assembly.ca.gov; Leahy, Tina ; diane.colborn@asm.ca.gov	
M	M000421		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Hernandez@assembly.ca.gov; maryjune.flores@asm.ca.gov	
M	M000426		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Gordon@assembly.ca.gov; kealii.bright@asm.ca.gov; chris.holtz@asm.ca.gov	
M	M000431		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Halderman@assembly.ca.gov	
M	M000436		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Gatto@assembly.ca.gov; katrina.robinson@asm.ca.gov	
M	M000441		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.fong@assembly.ca.gov; howard.quan@asm.ca.gov	
M	M000446		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Campos@assembly.ca.gov; aracaly.campa@asm.ca.gov	
M	M000451		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Butler@assembly.ca.gov; peter.hartnett@asm.ca.gov	
M	M000456		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Blumenfeld@assembly.ca.gov; bridget.kolakosky@asm.ca.gov	
M	M000461		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Bill.Berryhill@assembly.ca.gov; Evan.Oneto@asm.ca.gov	
M	M000466		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	assemblymember.conway@assembly.ca.gov; dillon.gibbons@asm.ca.gov	
M	M000471		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	assemblymember.john.perez@assembly.ca.gov; Ramirez, Sara	
M	M000476		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.dutton@sen.ca.gov; Burns, Chris	
M	M000481		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Nichols, Mary D. @ARB ; Stewart, Shannon@ARB	
M	M000486		03/18/2011	FW: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	John Laird ; Mark Cowin	jortiz@dfg.ca.gov; ahowe@dfg.ca.gov

M	M000491		03/18/2011	Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	nancy.mcfadden@gov.ca.gov ; cliff.rechtschaffen@gov.ca.gov; Ken Alex	
M	M000496		03/18/2011	Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Steinberg Darrell	
M	M000501		03/18/2011	RE: Second staff draft Delta Plan	Cliff Rechtschaffen	Isenberg, Phil@DeltaCouncil ; Nancy McFadden ; Ken Alex	
M	M000506		03/18/2011	Re: Second staff draft Delta Plan	Calimlim, Camille	Isenberg, Phil@DeltaCouncil	
M	M000511		03/19/2011	RE: Second staff draft Delta Plan	Brandt, Alf	Isenberg, Phil@DeltaCouncil	
M	M000516		03/20/2011	RE: Second staff draft Delta Plan	Jerry Meral	Isenberg, Phil@DeltaCouncil	Karla Nemeth
M	M000521		03/20/2011	RE: Second staff draft Delta Plan	Isenberg, Phil@DeltaCouncil	Jerry Meral ; Grindstaff, Joe@DeltaCouncil	
M	M000526	M000526 - M000579	03/22/2011	Fwd: Delta ISB's Review of the First Draft of the Delta Plan - Final Comment Memo	Pearson, Jessica@DeltaCouncil	Martha Davis	
M	M000527	M000526 - M000579	03/22/2011	Attachment: Memo to Phil Isenberg from Delta Independent Science Board re Review of the First Draft of the Delta Plan			
M	M000553	M000526 - M000579	03/22/2011	Delta ISB's Review of the First Draft of the Delta Plan - Final Comment Memo	Brand, Marina@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Miller, Curtis@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Macaulay, Terry@DeltaCouncil ; Buchholz, Gwen@DeltaCouncil ; Davis, Martha@Delta Council ; Pearson, Jessica@DeltaCouncil	Hastings, Lauren@DeltaCouncil ; Ford, Gina@DeltaCouncil
M	M000554	M000526 - M000579	03/22/2011	Attachment: Memo to Phil Isenberg from Delta Independent Science Board re Review of the First Draft of the Delta Plan			

M	M000580		03/23/2011	FEMA Input on the Delta Plan	Samsam, Kevan@DeltaCouncil	gregor.blackburn@dhs.gov	Macaulay, Terry@DeltaCouncil ; Nichol, Eric@DeltaCouncil
M	M000581		03/23/2011	RE: Federal Consistency Meeting - My Notes	Gwendolyn.Buchholz@CH2M.com	Macaulay, Terry@DeltaCouncil ; Samsam, Kevan@DeltaCouncil	Nichol, Eric@DeltaCouncil
M	M000583		03/24/2011	3rd draft suggestions plus Twiss' schedule	Robert Twiss	Macaulay, Terry@DeltaCouncil ; Gwen Buchholz ; Pearson, Jessica@DeltaCouncil ; Davis, Martha@Delta Council ; Nichol, Eric@DeltaCouncil ; John Kirlin ; David.Christophel@CH2M.com; Grindstaff, Joe@DeltaCouncil	
M	M000584	M000584 - M000597	03/24/2011	Leg Analysis	Gwendolyn.Buchholz@CH2M.com	Martha Davis	
M	M000585	M000584 - M000597	03/24/2011	Attachment: Bill Analysis SB 1 X7			
M	M000598	M000598 - M000603	03/29/2011	RE: Microsoft Word - 2009-09-24 Little Hoover _Roos- Colins_ FINAL_.doc	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Martha Davis	
M	M000600	M000598 - M000603	03/29/2011	Attachment: water Rights Within the			
M	M000604		03/30/2011	Re: Comments on David J. Guy Proposed Revision to Restore Delta Ecosystem Finding on Flows	Pearson, Jessica@DeltaCouncil	Martha Davis	
M	M000608		03/30/2011	Re: Possible addition for water resources and water quality regulations http://www.chicoer.com/news/ci_17730823	Gwendolyn.Buchholz@CH2M.com	Martha Davis	

M	M000612	M000612 - M000725	03/30/2011	RE: Possible addition for water resources and water quality regulations http://www.chicoer.com/news/ci_17730823	Gwendolyn.Buchholz@CH2M.com	Phil.Isenberg@deltacouncil.ca.gov; joe.grindstaff@deltacouncil.ca.gov; keith.coolidge@deltacouncil.ca.gov; terry.macaulay@deltacouncil.ca.gov; Kevan.Samsam@deltacouncil.ca.gov; eric.nichol@deltacouncil.ca.gov; Jessica.Pearson@deltacouncil.ca.gov; Martha Davis ; Aaron.Farber@deltacouncil.ca.gov; chris.stevens@deltacouncil.ca.gov	
M	M000615	M000612 - M000725	03/30/2011	Attachment: Draft Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program July 2010			
M	M000726		04/04/2011	RE: Possible addition for water resources and water quality regulations http://www.chicoer.com/news/ci_17730823	Grindstaff, Joe@DeltaCouncil	Gwendolyn.Buchholz@CH2M.com; Isenberg, Phil@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Macaulay, Terry@DeltaCouncil ; Samsam, Kevan@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; mdavis@ieua.org; Farber, Aaron@DeltaCouncil ; Stevens, Chris@DeltaCouncil	
M	M000730		04/04/2011	SF Chronicle op-ed today: The Myth of California's Water Shortage	Peter H. Gleick	pgleick@pipeline.com	
M	M000731	M000731 - M001083	04/04/2011	SWRCB and DFG	Gwendolyn.Buchholz@CH2M.com	Martha Davis	

M	M000732	M000731 - M001083	04/04/2011	Attachment: Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem August 3, 2010			
M	M000922	M000731 - M001083	04/04/2011	Attachment: Draft of Quantifiable Biological Objectives and Flow Criteria for Aquatic and Terrestrial Species of Concern Dependent on the Delta, September 21, 2010			
M	M001084		04/06/2011	RE: NRDC Recommendations - Second Draft Delta Plan 4- 4-11.doc	Isenberg, Phil@DeltaCouncil	Nelson, Barry@nrdc.org ; Pearson, Jessica ; Grindstaff, Joe@DeltaCouncil	
M	M001085	M001085 - M001088	04/07/2011	Comments on 2d Draft of Delta Plan	Craig Wilson	Grindstaff, Joe@DeltaCouncil ; Isenberg, Phil@DeltaCouncil	
M	M001086	M001085 - M001088	04/07/2011	Attachment: Delta Water Plan Second Draft, Delta Watermaster Comments			
M	M001089	M001089 - M001105	04/08/2011	FW: Solano Protected Lands	Chris Lee	Christophel, David/SAC	
M	M001091	M001089 - M001105	04/08/2011	Attachment: Solano Protected Lands			
M	M001092	M001089 - M001105	04/08/2011	Attachment: Solano Protected Lands			
M	M001093	M001089 - M001105	04/08/2011	Attachment: Solano Protected Lands			
M	M001094	M001089 - M001105	04/08/2011	Attachment: Open Space zip file.prj			
M	M001095	M001089 - M001105	04/08/2011	Attachment: Solano Protected Lands			
M	M001096	M001089 - M001105	04/08/2011	Attachment: Solano Protected Lands			
M	M001097	M001089 - M001105	04/08/2011	Attachment: Solano Protected Lands			
M	M001098	M001089 - M001105	04/08/2011	Attachment: Open Space zip file.prj			
M	M001105	M001089 - M001105	04/08/2011	Attachment: text file			
M	M001106	M001106 - M001131	04/08/2011	Groundwater Model Ordinance	Gwendolyn.Buchholz@CH2M.com	Kevan.Samsam@deltacouncil.ca.gov; Martha Davis ; Dillon.Cowan@CH2M.com	

M	M001107	M001106 - M001131	04/08/2011	Attachment: Appendices A-G			
M	M001132		04/08/2011	FW: Confidentially - re still struggling with possible refinements to "covered action"	Stevens, Chris@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	
M	M001134	M001134 - M001136	04/11/2011	Solano HCP Summary	Chris Lee	Christophel, David/SAC	
M	M001135	M001134 - M001136	04/11/2011	Attachment: Solano County Water Agency graphic			
M	M001136	M001134 - M001136	04/11/2011	Attachment: Solano Habitat Conservation Plan Summary			
M	M001137		04/12/2011	FW: reliability for water supply	Grindstaff, Joe@DeltaCouncil	Martha Davis	
M	M001139		04/15/2011	RE: Letter from Secretary Laird RE: Sea-Level Rise	Amber Mace	Isenberg, Phil@DeltaCouncil	Abe Doherty ; Jason Vasques ; Grindstaff, Joe@DeltaCouncil ; Pearson, Jessica@DeltaCouncil
M	M001142		05/02/2011	RE: Delta Plan and a recommendation for a Delta Counties Flood Management Agency	Detwiler, Peter	Isenberg, Phil@DeltaCouncil	Weinberger, Brian
M	M001145		05/03/2011	FW: DELTA PLAN	Ryan, John@DeltaCouncil	Samsam, Kevan@DeltaCouncil ; Nichol, Eric@DeltaCouncil	
M	M001148	M001148 - M001155	05/03/2011	RE: EAD reference	Hess, John	Nichol, Eric@DeltaCouncil	Gwendolyn.Buchholz@CH2M.com
M	M001150	M001148 - M001155	05/03/2011	Attachment: Estimated Expected Annual Damage for Levee Retrofits by David Goldman			
M	M001156		05/04/2011	RE: Flood Risk Chapter	Gwendolyn.Buchholz@CH2M.com	Nichol, Eric@DeltaCouncil	Terry@DeltaCouncil
M	M001157		05/05/2011	RE: BDCP	Jerry Meral	Grindstaff, Joe@DeltaCouncil	Isenberg, Phil@DeltaCouncil
M	M001158		05/05/2011	BDCP	Jerry Meral	Grindstaff, Joe@DeltaCouncil	Isenberg, Phil@DeltaCouncil
M	M001159		05/05/2011	Fw: BDCP	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil	
M	M001161	M001161 - M001163	05/10/2011	Semitropic	Samsam, Kevan@DeltaCouncil	Martha Davis	
M	M001162	M001161 - M001163	05/10/2011	Regional Groundwater			
M	M001164		05/13/2011	floodways, and risk	Jessica Ludy	Nichol, Eric@DeltaCouncil	
M	M001167	M001167 - M001168	05/19/2011	Citation for floodprone and Table 7-1	Gwendolyn.Buchholz@CH2M.com	Nichol, Eric@DeltaCouncil	
M	M001168	M001167 - M001168	05/19/2011	Attachment: 44 CFR 59.1, Title 44: Emergency Managment and Assistance			

M	M001169		05/19/2011	Cities and Counties with Existing Plans ...	Dave Zezulak	Anke@CALFED Mueller-Solger ; lauren.hastings@deltacouncil.ca.gov	Christophel, David/SAC ; Buchholz, Gwendolyn/BAO ; Carl Wilcox ; Scott Cantrell
M	M001170		05/19/2011	Valley water projects get a boost	Randy Fiorini	Joe@DeltaCouncil Grindstaff ; Phil Isenberg ; Martha Davis ; Jessica Pearson ; Keith Coolidge	
M	M001171		05/19/2011	implement	Pearson, Jessica@DeltaCouncil	gbuchhol@ch2m.com; Martha Davis ; Grindstaff, Joe@DeltaCouncil	
M	M001172		05/19/2011	document	Isenberg, Phil@DeltaCouncil	Patrick@Calhealthplans	Grindstaff, Joe@DeltaCouncil
M	M001174		05/21/2011	RE: EAD etc.	Hess, John	Nichol, Eric@DeltaCouncil	Buchholz, Gwen
M	M001175		05/22/2011	DSC Land Use Issues	Frank, Rick	Johnston, Patrick@Calhealthplans	Isenberg, Phil@DeltaCouncil
M	M001176		05/23/2011	exemption for emergency projects	Macaulay, Terry@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M001178		05/23/2011	BDCP and the Delta Plan	Jerry Meral	Grindstaff, Joe@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; mcowin@water.ca.gov; Karla Nemeth ; dalehf@water.ca.gov
M	M001179		05/25/2011	RE: a new flood / ecosystem recommendation from Pat	Pearson, Jessica@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M001182		05/25/2011	my review of Delta plan	Mary Lou Cotton	Martha Davis	
M	M001183		05/26/2011	Staff to Discuss SWP	Dillon.Cowan@CH2M.com	a.gov	.ca.gov;
M	M001184		05/30/2011	Language re: Delta Plan	Frank, Rick	;	
M	M001186		05/31/2011	levees in chapter 4	Martha Davis	Nichol, Eric@DeltaCouncil	
M	M001188	M001188 - M001195	05/31/2011	SWP Contract	Dillon.Cowan@CH2M.com	M.com; Martha Davis ;	m;
M	M001190	M001188 - M001195	05/31/2011	Attachment: Notice to State Water Project Contractors, Principles Regarding Public Participation Process in State Water Project Contract Negotiations			
M	M001192	M001188 - M001195	05/31/2011	Attachment: Notice to State Water Project Contractors, Guidelines for Review of Proposed Permanent Transfers of State Water Project Annual Table A Amounts			
M	M001196		06/01/2011	recommendation	Dahm, Cliff@DeltaCouncil	; Hastings,	; Enright, Chris@DeltaCouncil
M	M001198		06/02/2011	guidelines for graphics in	Farber, Aaron@DeltaCouncil	Nichol, Eric@DeltaCouncil	

M	M001202		06/02/2011	RE: Ltr from Byron Buck	Dillon.Cowan@CH2M.com	Isenberg, Phil@DeltaCouncil	
M	M001203	M001203 - M001204	06/03/2011	FW: Delta Plan - updated graphics sheet	Coolidge, Keith@DeltaCouncil	Davis, Martha@Delta Council ; Nichol, Eric@DeltaCouncil ; Dahm, Cliff@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; Brand, Marina@DeltaCouncil ; Harader, Sam@DeltaCouncil ; Correa, Lindsay@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Samsam, Kevan@DeltaCouncil	Brantigan, Jeanne
M	M001204	M001203 - M001204	06/03/2011	Updated Graphics Sheet			
M	M001205	M001205 - M001208	06/03/2011	Fw: 2011-4-8reliable water supply thoughts	Martha Davis	martha.davis@deltacouncil.ca.gov	
M	M001206	M001205 - M001208	06/03/2011	Attachment: A more reliable water supply for California Proposed Performance Measures			
M	M001209	M001209 - M001212	06/07/2011	Groundwater sidebar	Dillon.Cowan@CH2M.com	M.com; Martha Davis	
M	M001211	M001209 - M001212	06/07/2011	Chapter 4, Groundwater			
M	M001212	M001209 - M001212	06/07/2011	Attachment: Delta Plan - Chapter 4, Groundwater sidebar			
M	M001213		06/08/2011	Re: Couple of Notes	Marino, Len	Nichol, Eric@DeltaCouncil	
M	M001214		06/08/2011	further reduce urban	Isenberg, Phil@DeltaCouncil	Jessica@DeltaCouncil ; Dillon.Cowan@CH2M.com; Martha Davis ; Gwendolyn.Buchholz@CH2M.com	
M	M001218	M001218 - M001219	06/08/2011	RE: Pie Chart	Dillon.Cowan@CH2M.com		
M	M001219	M001218 - M001219	06/08/2011	Attachment: Pie Chart			
M	M001220		06/09/2011	Re: How did you react to the CV Flood Board letter of May 27	Patrick Johnston	Nichol, Eric@DeltaCouncil	Isenberg, Phil@DeltaCouncil
M	M001224	M001224 - M001251	06/09/2011	Delta Plan	Craig Wilson	Martha Davis	
M	M001226	M001224 - M001251	06/09/2011	More Reliable Water			
M	M001248	M001224 - M001251	06/09/2011	Attachment: The Delta Plan			

M	M001252		06/10/2011	RE: Land use suggestions by Rick Frank	Patrick Johnston	Nichol, Eric@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Bucholz, Gwendolyn@VENDOR-CH2M ; Bucholz, Gwendolyn@VENDOR-CH2M ; Bucholz, Gwendolyn@VENDOR-CH2M ; Isenberg, Phil@DeltaCouncil
M	M001258		06/14/2011	Delta Stewardship	John Laird	Isenberg, Phil@DeltaCouncil	
M	M001261		06/14/2011	Delta Stewardship	Jerry Meral	Isenberg, Phil@DeltaCouncil	
M	M001264		06/14/2011	RE: 4th Draft Delta Plan	Chris Garland	Isenberg, Phil@DeltaCouncil	
M	M001268		06/14/2011	RE: 4th Draft Delta Plan Delta Stewardship Council	Theis, Matt	Isenberg, Phil@DeltaCouncil	
M	M001271		06/14/2011	Re: 4th Draft Delta Plan Delta Stewardship Council	Stewart, Shannon@ARB	Isenberg, Phil@DeltaCouncil	Kimura, Lezlie@ARB ; Welch, Virgil@ARB ; McCarthy, Ryan@ARB
M	M001275		06/14/2011	Delta Stewardship	Isenberg, Phil@DeltaCouncil	Helsabeck, Laura	
M	M001278		06/14/2011	Delta Stewardship	Isenberg, Phil@DeltaCouncil	AGREOURCES@EROLS.COM	
M	M001281		06/14/2011	Delta Stewardship	Isenberg, Phil@DeltaCouncil	gorke.roger@epa.gov	
M	M001284		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	David_Nawi@ios.doi.gov; letty_belin@ios.doi.gov; eileen_sobeck@ios.doi.gov	
M	M001287		06/14/2011	Delta Stewardship	Isenberg, Phil@DeltaCouncil	gov	
M	M001290		06/14/2011	Delta Stewardship	Isenberg, Phil@DeltaCouncil	josh.franco@mail.house.gov	
M	M001293		06/14/2011	Delta Stewardship	Isenberg, Phil@DeltaCouncil	e.gov	
M	M001296		06/14/2011	Delta Stewardship	Isenberg, Phil@DeltaCouncil	Anne L. Sanger	
M	M001299		06/14/2011	Delta Stewardship	Isenberg, Phil@DeltaCouncil	peter.victor@mail.house.gov	
M	M001302		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Calimlim, Camille	
M	M001305		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	benjamin.cardenas@mail.ho use.gov; joe.sheehy@mail.house.gov; jen.silva@mail.house.gov	
M	M001308		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	costadistrictschedule@mail. house.gov; Jaclyn.Murray@mail.house.g ov; Ian.LeMay@mail.house.gov	

M	M001311		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	george.miller@mail.house.gov; Kathy.Hoffman@mail.house.gov; Barb.Johnson@mail.house.gov; Miller, Ben	
M	M001314		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Kathy.Arts@mail.house.gov; kristen_glenn@mail.house.gov	
M	M001317		06/14/2011	Delta Stewardship	Isenberg, Phil@DeltaCouncil	robert.edmonson@mail.hou	
M	M001320		06/14/2011	Delta Stewardship	Isenberg, Phil@DeltaCouncil	feinstein@senate.gov	
M	M001323		06/14/2011	Delta Stewardship	Isenberg, Phil@DeltaCouncil	lynn_abramson@boxer.sena	
M	M001326		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	smacli@waterboards.ca.gov; nancy.aquino@waterboards.ca.gov	
M	M001330		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Nichols, Mary D. @ARB	
M	M001333		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	John Laird ; mcowin@water.ca.gov; CHoppin@waterboards.ca.gov; Howard, Tom@SWRCB	kimg@resources.ca.gov; b.gerbs@resources.ca.gov; friend@water.ca.gov; jortiz@dfg.ca.gov; ahowe@dfg.ca.gov
M	M001336		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	senator.wolk@sen.ca.gov; McIntyre, Mindy ; tina.andolina@sen.ca.gov	
M	M001339		06/14/2011	Delta Stewardship	Isenberg, Phil@DeltaCouncil	;	
M	M001342		06/14/2011	Delta Stewardship	Isenberg, Phil@DeltaCouncil	assembly.ca.gov;	
M	M001345		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Yamada@assembly.ca.gov; rebecca.nieto@asm.ca.gov	
M	M001348		06/14/2011	Delta Stewardship	Isenberg, Phil@DeltaCouncil	ssembly.ca.gov; Brandt, Alf	
M	M001351		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	assemblymember.john.perez@assembly.ca.gov; sara.ramirez@assembly.ca.gov	
M	M001354		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Olsen@assembly.ca.gov; matt.theis@asm.ca.gov	
M	M001357		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Nielsen@assembly.ca.gov; chris.norden@asm.ca.gov	
M	M001360		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Lara@assembly.ca.gov; Laura.Parra@asm.ca.gov	

M	M001363		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Jones@assembly.ca.gov; laurie.paredes@asm.ca.gov	
M	M001366		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	assemblymember.huffman@assembly.ca.gov; diane.colborn@asm.ca.gov; Leahy, Tina	
M	M001369		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Hueso@assembly.ca.gov; lourdes.jimenez@asm.ca.gov	
M	M001372		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Hernandez@assembly.ca.gov; maryjune.flores@asm.ca.gov	
M	M001375		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Halderman@assembly.ca.gov; maggie.win@asm.ca.gov	
M	M001378		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Gordon@assembly.ca.gov; Lucas.Frerichs@asm.ca.gov; chris.holtz@asm.ca.gov	
M	M001381		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Gatto@assembly.ca.gov; Katerina.Robinson@asm.ca.gov	
M	M001384		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Assemblymember.fong@assembly.ca.gov; howard.quan@asm.ca.gov	
M	M001387		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	assemblymember.conway@assembly.ca.gov; dillon.gibbons@asm.ca.gov	
M	M001390		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Campos@assembly.ca.gov; Aracely.Campa@asm.ca.gov	
M	M001393		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Butler@assembly.ca.gov; peter.hartnett@asm.ca.gov	
M	M001396		06/14/2011	FW: 4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	Assemblymember.Bill.Berryhill@assembly.ca.gov; Evan.Oneto@asm.ca.gov	
M	M001399		06/14/2011	FW: 4th Draft Delta Plan Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Blumenfeld@assembly.ca.gov; bridget.kolakosky@asm.ca.gov	
M	M001402		06/14/2011	FW: 4th Draft Delta Plan CA Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Nancy Sutley ; Michael J. Boots ; efeller@ceq.eop.gov	

M	M001405		06/14/2011	FW: 4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.pavley@sen.ca.gov; william.craven@sen.ca.gov; Dennis.OConnor@SEN.CA.GOV; newsha.ajami@sen.ca.gov	
M	M001408		06/14/2011	FW: 4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.padilla@senate.ca.gov; megan.morete@sen.ca.gov	
M	M001411		06/14/2011	FW: 4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	steve.mccarthy@sen.ca.gov	
M	M001414		06/14/2011	FW: 4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	meegan.murray@sen.ca.gov	
M	M001417		06/14/2011	FW: 4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	Senator.lowenthal@senate.ca.gov; megan.murray@sen.ca.gov	
M	M001420		06/14/2011	FW: 4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.lamalfa@senate.ca.gov; kevin.eastman@sen.ca.gov	
M	M001423		06/14/2011	FW: 4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.fuller@senate.ca.gov; rocel.bettencourt@sen.ca.gov	
M	M001426		06/14/2011	FW: 4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.kehoe@senate.ca.gov; linda.barr@sen.ca.gov	
M	M001429		06/14/2011	FW: 4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.evans@senate.ca.gov; teresa.schilling@sen.ca.gov	
M	M001432		06/14/2011	FW: 4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.cannella@senate.ca.gov; erin.guerrero@sen.ca.gov	
M	M001435		06/14/2011	FW: 4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.dutton@sen.ca.gov; Burns, Chris	
M	M001438		06/14/2011	FW: 4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	Christopher Garland ; Kevin Schmidt	
M	M001441	M001441 - M001461	06/14/2011	FW: 4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	nancy.mcfadden@gov.ca.gov; cliff.rechtschaffen@gov.ca.gov; Ken Alex	
M	M001444	M001441 - M001461	06/14/2011	Attachment: Policies			
M	M001450	M001441 - M001461	06/14/2011	Attachment: Recommendations			
M	M001462	M001462 - M001482	06/14/2011	4th Draft Delta Plan	Isenberg, Phil@DeltaCouncil	senator.steinberg@sen.ca.gov; Lipper, Kip	
M	M001465	M001462 - M001482	06/14/2011	Attachment: Policies			
M	M001471	M001462 - M001482	06/14/2011	Attachment: Recommendations			

M	M001483		06/14/2011	FW: Delta Stewardship Council: Update on Delta Plan process	Stevens, Chris@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	
M	M001485		06/15/2011	RE: Delta Plan Fourth Draft	Marino, Len	Nichol, Eric@DeltaCouncil	
M	M001486		06/15/2011	RE: 4th Draft Delta Plan Delta Stewardship Council	Franco, Josh	Isenberg, Phil@DeltaCouncil	
M	M001490		06/17/2011	RE: Floodway encroachments	Fua, Dan	Nichol, Eric@DeltaCouncil	Marino, Len@WATER RESOURCES
M	M001492		06/17/2011	RE: 4th Draft Delta Plan Delta Stewardship Council	Horowitz, Andrew	Isenberg, Phil@DeltaCouncil	
M	M001495		06/21/2011	FW: Definition of Developed Area	Gwendolyn.Buchholz@CH2M.com	Grindstaff, Joe@DeltaCouncil ; Isenberg, Phil@DeltaCouncil	Nichol, Eric@DeltaCouncil ; Cowan, Dillon@VENDOR-CH2M ; Brantigan, Jeanne ; Bucholz, Gwendolyn@VENDOR-CH2M
M	M001497	M001497 - M001503	06/21/2011	FW: Water PIE Description	Gwendolyn.Buchholz@CH2M.com	Martha Davis	
M	M001499	M001497 - M001503	06/21/2011	Attachment: Water Planning Information Exchange May 20, 2011, Greg Smith			
M	M001504		06/22/2011	BDCP Recommendation	Pearson, Jessica@DeltaCouncil	; Martha Davis	Stevens, Chris@DeltaCouncil
M	M001505		06/22/2011	specific policy	Jonas Minton	Fiorini, Randy	Grindstaff, Joe@DeltaCouncil
M	M001507		06/23/2011	information for DSC	William Dean	Nichol, Eric@DeltaCouncil	
M	M001509	M001509 - M001513	06/24/2011	American Rivers Comments - Delta Plan Draft 4 Chapter 7	Sarah Regan	Isenberg, Phil@DeltaCouncil ; ?DeltaPlanComment@deltacouncil.ca.gov ; Nichol, Eric@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Bucholz, Gwendolyn@VENDOR-CH2M	John Cain ; Jessica Ludy ; Megan Randall
M	M001510	M001509 - M001513	06/24/2011	Attachment: Letter to Phillip Isenberg from American Rivers			
M	M001514	M001514 - M001517	06/24/2011	FW: Delta ISB Member's Comments 4th Staff Draft	Ford, Gina@DeltaCouncil	Nichol, Eric@DeltaCouncil	Brand, Marina@DeltaCouncil
M	M001515	M001514 - M001517	06/24/2011	Attachment: Suggestions on Delta Plan draft 4, Brian Atwater, June 19, 2011			

M	M001518		06/26/2011	Some thoughts about the recent comment letter from the SWRCB staff	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Macaulay, Terry@DeltaCouncil ; Pearson, Jessica@Delta Council ; Martha Davis ; Stevens, Chris@DeltaCouncil	
M	M001519		06/29/2011	RE: Water Resources Policy #4 - Transfers	Martha Davis	Samsam, Kevan@DeltaCouncil	Cowan, Dillon@VENDOR-CH2M
M	M001521		06/30/2011	RE: A letter on Delta Economics report	Isenberg, Phil@DeltaCouncil	Randy Fiorini ; Grindstaff, Joe@DeltaCouncil	Marcus, Felicia
M	M001523		07/01/2011	FW: Delta Stewardship Council Administrative draft document	Al Lehenbauer	Nichol, Eric@DeltaCouncil	Gerald Kopp ; Brown, Jim@CALEMA ; Ken Bobinski ; Childress-Byers, Jami@CALEMA
M	M001525		07/01/2011	Follow Up Regarding Volumetric Wastewater Pricing	Nelson, Barry	Isenberg, Phil@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Davis, Martha@Delta Council	Osann, Ed
M	M001527		07/05/2011	private and confidential	Robert Pyke	Isenberg, Phil@DeltaCouncil	
M	M001528	M001528 - M001531	07/06/2011	RE: a few more comments on 4th draft	Nachbaur, James	Nichol, Eric@DeltaCouncil	Favorini-Csorba, Anton
M	M001530	M001528 - M001531	07/06/2011	Attachment: What are the roles of state-level institutions			
M	M001532	M001532 - M001536	07/06/2011	RE: Delta Plan - EAD	DeLemos, Brian	Nichol, Eric@DeltaCouncil	Speese, Debbie L
M	M001535	M001532 - M001536	07/06/2011	RE: Delta Plan Research	Fromm, Jennifer R.	DeLemos, Brian	
M	M001537	M001537 - M001541	07/06/2011	FW: Letter from Upstream Users	Pearson, Jessica@DeltaCouncil	Martha Davis	
M	M001538	M001537 - M001541	07/06/2011	Attachment:Letter to Jerry Meral re BDCP - Upstream Water Suppliers			
M	M001540	M001537 - M001541	07/06/2011	Attachment: The Bay-Delta Conservation Plan Respecting Upstream Water Self-Sufficiency, May 2011			
M	M001542		07/07/2011	RE: Delta Plan - EAD	DeLemos, Brian	Nichol, Eric@DeltaCouncil	Bucholz, Gwendolyn@VENDOR-CH2M ; Speese, Debbie L ; Brantigan, Jeanne ; Trumbull, Christopher
M	M001545	M001545 - M001548	07/07/2011	Fw: Be Bold	Martha Davis	martha.davis@deltacouncil.ca.gov	
M	M001547	M001545 - M001548	07/07/2011	Attachment: Be Bold			

M	M001549	M001549 - M001550	07/08/2011	Water Transfer Write Up	Samsam, Kevan@DeltaCouncil	Martha Davis	
M	M001550	M001549 - M001550	07/08/2011	Attachment: Table on the Review Process and Opportunity for Public Participation			
M	M001551		07/08/2011	The Bold and the Beautiful	Pearson, Jessica@DeltaCouncil	Marcus, Felicia ; Martha Davis ; Grindstaff, Joe@DeltaCouncil ; keith@deltacouncil.gov; Fiorini, Randy	
M	M001552		07/11/2011	RE: SB 5 Question	Marino, Len	Nichol, Eric@DeltaCouncil	
M	M001553		07/11/2011	Re: Little Inland space available to store surplus water	Randy Fiorini	Martha Davis	Jessica Pearson
M	M001556		07/13/2011	RE: "routine agricultural practices exemption"	Stevens, Chris@DeltaCouncil	Bucholz, Gwendolyn@VENDOR-CH2M ; Pearson, Jessica@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	Samsam, Kevan@DeltaCouncil ; mdavis@ieua.org; Brantigan, Jeanne
M	M001560		07/13/2011	RE: Recommended Changes to Table 7-1	Pearson, Jessica@DeltaCouncil	Bucholz, Gwendolyn@VENDOR-CH2M ; Grindstaff, Joe@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Stevens, Chris@DeltaCouncil	Macaulay, Terry@DeltaCouncil
M	M001564		07/13/2011	FW: Flood Risk	Grindstaff, Joe@DeltaCouncil	Nichol, Eric@DeltaCouncil ; Macaulay, Terry@DeltaCouncil	
M	M001565		07/13/2011	RE: Conservation-Oriented	Gwendolyn.Buchholz@CH2M.com	Martha Davis	
M	M001568	M001568 - M001745	07/13/2011	RE: Conservation-Oriented	Gwendolyn.Buchholz@CH2M.com	Martha Davis	Gwendolyn.Buchholz@CH2M.com
M	M001570	M001568 - M001745	07/13/2011	Attachment: Mid-Pacific Region Conservation and Efficiency Criteria 2002			
M	M001595	M001568 - M001745	07/13/2011	Attachment: Achieving Efficient Water Management A Giudebook for Preparing Agricultural Water Conservation Plans December 1996, Second Edition September 2000			

M	M001746	M001746 - M001830	07/13/2011	Conservation-Oriented	Gwendolyn.Buchholz@CH2M.com	Martha Davis	
M	M001747	M001746 - M001830	07/13/2011	Attachment: Memorandum of Understanding Regarding Urban Water Conservation in California, Amended September 16, 2009			
M	M001831		07/14/2011	RE: Delta Plan Workgroups	Coolidge, Keith@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M001833	M001833 - M001837	07/14/2011	RE: Fourth Staff Draft Delta Plan	Pearson, Jessica@DeltaCouncil	Yeadon, Robert	Martha Davis
M	M001835	M001833 - M001837	07/14/2011	Attachment: Internal Draft - Fifth Staff Draft Delta Plan Policies and Recommendations, July 14, 2011			
M	M001838		07/18/2011	RE: Emailing: KernDeltaConveyanceStudy	Gwendolyn.Buchholz@CH2M.com	joe.grindstaff@deltacouncil.ca.gov; Phil.Isenberg@deltacouncil.ca.gov; terry.macaulay@deltacouncil.ca.gov; chris.stevens@deltacouncil.ca.gov; Jessica.Pearson@deltacouncil.ca.gov; Martha Davis ; Aaron.Farber@deltacouncil.ca.gov	
M	M001839		07/18/2011	RE: private and confidential	Robert Pyke	Isenberg, Phil@DeltaCouncil	
M	M001841		07/18/2011	Another Pyke email and my response	Isenberg, Phil@DeltaCouncil	Stevens, Chris@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	
M	M001844		07/18/2011	RE: private and confidential	Isenberg, Phil@DeltaCouncil	Robert Pyke	
M	M001846		07/19/2011	Re: CalTrans projects in the Delta	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Nichol, Eric@DeltaCouncil	
M	M001854		07/22/2011	RE: RR-P3	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Bucholz, Gwendolyn@VENDOR-CH2M ; Brantigan, Jeanne	Nichol, Eric@DeltaCouncil ; Stevens, Chris@DeltaCouncil

M	M001857		07/28/2011	FW: Delta Stewardship Council: Update on Delta Plan process	Stevens, Chris@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Bucholz, Gwendolyn@VENDOR-CH2M ; Pearson, Jessica@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Macaulay, Terry@DeltaCouncil	Isenberg, Phil@DeltaCouncil
M	M001860		08/05/2011	Fwd: Delta Plan's use of "more natural flow regime"	Randy Fiorini	Jessica Pearson ; Martha Davis	
M	M001862	M001862 - M001875	08/08/2011	FW: Delta Plan Graphics - SJR and SAC flows - current and past	Grindstaff, Joe@DeltaCouncil	Martha Davis	
M	M001869	M001862 - M001875	08/08/2011	Attachment: Graphs of Delta Flow			
M	M001876		08/10/2011	RE: Focus Group Meetings	Coolidge, Keith@DeltaCouncil	Michael Harty ; Nichol, Eric@DeltaCouncil	Coolidge, Keith@DeltaCouncil
M	M001878	M001878 - M001881	08/10/2011	FW: water use response	Grindstaff, Joe@DeltaCouncil	Martha Davis	
M	M001879	M001878 - M001881	08/10/2011	Attachment: Request for Information Pertaining to the Allocation of Water in California and the Delta Watershed			
M	M001882		08/22/2011	Re: Delta Plan Themes - First Cut	Fiorini, Randy@DeltaCouncil	Pearson, Jessica@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Nichol, Eric@DeltaCouncil
M	M001886		08/25/2011	FW: Policy maker memo re Delta Stewardship Council meeting June 16, 2010	Isenberg, Phil@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M001888		08/25/2011	FW: Policy maker memo re Delta Stewardship Council first staff draft Delta Plan February 14, 2011	Isenberg, Phil@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M001891		08/25/2011	FW: DSC Policy Maker Memo re January 27-28, 2011 Delta Stewardship Council meeting	Isenberg, Phil@DeltaCouncil	Isenberg, Phil@DeltaCouncil	

M	M001894		08/25/2011	FW: 4th Draft Delta Plan June 14, 2011 Delta Stewardship Council	Isenberg, Phil@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M001897		08/25/2011	FW: Policy maker memo re Delta Stewardship Council meeting June 16, 2010	Isenberg, Phil@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M001899		08/25/2011	FW: Policy maker memo re Delta Stewardship Council first staff draft Delta Plan February 14, 2011	Isenberg, Phil@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M001902		08/25/2011	RE: contractors letter re water exports from the Delta	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; mdavis@ieua.org; Pearson, Jessica@DeltaCouncil	Cowan, Dillon@VENDOR-CH2M ; Dahm, Cliff@DeltaCouncil ; Farber, Aaron@DeltaCouncil
M	M001905	M001905 - M001907	08/29/2011	Themes document	Pearson, Jessica@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Fiorini, Randy ; Martha Davis	Alvarez, Eric@DeltaCouncil
M	M001906	M001905 - M001907	08/29/2011	Attachment: Delta Plan Themes			
M	M001908		09/02/2011	SACOG/sustainable communities strategy	Stevens, Chris@DeltaCouncil	Nichol, Eric@DeltaCouncil ; Samsam, Kevan@DeltaCouncil	Macaulay, Terry@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Isenberg, Phil@DeltaCouncil
M	M001909		09/06/2011	RE: Delta Flood Risk	David Ford	Nichol, Eric@DeltaCouncil	Steve Cowdin ; Grindstaff, Joe@DeltaCouncil
M	M001910		09/06/2011	RE: SACOG/sustainable communities strategy	Isenberg, Phil@DeltaCouncil	Stevens, Chris@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Samsam, Kevan@DeltaCouncil	Macaulay, Terry@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil
M	M001911		09/06/2011	RE: DWR sustainability discussion	Isenberg, Phil@DeltaCouncil	mdavis@ieua.org; Ryan, John@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Pearson, Jessica@DeltaCouncil	Macaulay, Terry@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil
M	M001913		09/08/2011	RE: SWRCB Flow briefing paper	Stevens, Chris@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Fiorini, Randy	Isenberg, Phil@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Martha Davis

M	M001914		09/09/2011	FW: Delta ISB - available for review: Draft Synthesis of Recommendations from the DISB on the Fifth Staff Draft Delta Plan	Hastings, Lauren@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Macaulay, Terry@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Miller, Curtis@DeltaCouncil ; Bucholz, Gwendolyn@VENDOR-CH2M ; Brantigan, Jeanne ; mdavis@ieua.org; Nichol, Eric@DeltaCouncil ; Samsam, Kevan@DeltaCouncil	sciprgm
M	M001915	M001915 - M002015	09/09/2011	RE: musings on the IEP charts	Mueller-Solger, Anke@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M001917	M001915 - M002015	09/09/2011	Attachment: Draft graphs on Chinook salmon production			
M	M001957	M001915 - M002015	09/09/2011	Attachment: Bayesian change point analysis of abundance trends for pelagic fishes in the upper San Francisco Estuary			
M	M001975	M001915 - M002015	09/09/2011	Attachment: Thomson et al. 2010 Ecol.Apps. Changepoint.job options			
M	M001981	M001915 - M002015	09/09/2011	Attachment: Historical Abundance and Decline of Chinook Salmon in the Central Valley Region of California			

M	M002016	M002016 - M002023	09/12/2011	Speech by Justice Ron Robie January 31, 2009	Isenberg, Phil@DeltaCouncil	Fiorini, Randy ; Johnston, Patrick@Calhealthplans ; Grindstaff, Joe@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Martha Davis ; Macaulay, Terry@DeltaCouncil ; Farber, Aaron@DeltaCouncil	
M	M002017	M002016 - M002023	09/12/2011	Attachment: Changing Times - California Water Law in th 21st Century by Justice Ronald B. Robie			
M	M002024	M002024 - M002087	09/12/2011	RE: Exports by Water Year Type	Farber, Aaron@DeltaCouncil	Martha Davis	Grindstaff, Joe@DeltaCouncil ; Samsam, Kevan@DeltaCouncil
M	M002026	M002024 - M002087	09/12/2011	Attachment: Exports by Water Year Type			
M	M002027	M002024 - M002087	09/12/2011	info for Water Year Type	Bucholz, Gwendolyn@VENDOR-CH2M	Aaron.Farber@ch2m.com	Farber, Aaron@DeltaCouncil
M	M002028	M002024 - M002087	09/12/2011	Attachment: California River Indices			
M	M002032	M002024 - M002087	09/12/2011	Attachment: CWP 2009 River indices.job options			
M	M002039	M002024 - M002087	09/12/2011	Attachment: Water Right Decision 1485, August 1978			
M	M002088	M002088 - M002100	09/15/2011	FW: Water Plan Progress Report: Delta Indicators	Samsam, Kevan@DeltaCouncil	Hastings, Lauren@DeltaCouncil ; Martha Davis ; Davis, Martha@Delta Council	
M	M002090	M002088 - M002100	09/15/2011	Attachment: Delta Plan - Measures and Strategies (Ch 4 - 8)			
M	M002095	M002088 - M002100	09/15/2011	Attachment: California Water Plan Update 2013 Progress Report			
M	M002101	M002101 - M002104	09/15/2011	Rough notes re Interim actions	Jonas Minton	Isenberg, Phil@DeltaCouncil	
M	M002103	M002101 - M002104	09/15/2011	Attachment: Interim Delta Actions			
M	M002105	M002105 - M002107	09/16/2011	This is a particularly offensive letter from Larry McKenney	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil	

M	M002106	M002105 - M002107	09/16/2011	Attachment: Letter to Phil Isenberg from WACO re Comments on the Fifth Draft Delta Plan			
M	M002108	M002108 - M002109	09/19/2011	[Delta_Council_Informati on] Delta Science Program - Delta ISB Releases Final Review Comments on Delta Plan Fifth Staff Draft	Martin, Elaine@DeltaCouncil	980 Ninth Staff	
M	M002109	M002108 - M002109	09/19/2011	Attachment: Text file			
M	M002110		09/19/2011	FW: conversion of habitat lands	Grindstaff, Joe@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M002111	M002111 - M002122	09/21/2011	TNC letter and a few thoughts on response to comments	Pearson, Jessica@DeltaCouncil	Hastings, Lauren@DeltaCouncil ; Martha Davis ; Nichol, Eric@DeltaCouncil	Macaulay, Terry@DeltaCouncil
M	M002113	M002111 - M002122	09/21/2011	Attachment: Letter to Phil Isneberg from The Nature Conservancy			
M	M002123	M002123 - M002125	09/22/2011	6th Draft Delta Plan - Sept 27-28 mtg info	Macaulay, Terry@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; mdavis@ieua.org; Stevens, Chris@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Samsam, Kevan@DeltaCouncil	
M	M002124	M002123 - M002125	09/22/2011	Attachment: Delta Plan 5th - 6th Draft Sept (9-4) and Sept (9-3)			

M	M002126	M002126 - M002132	09/29/2011	Copy of Letter	Martin, Elaine@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Macaulay, Terry@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; mdavis@ieua.org; Davis, Martha@Delta Council ; Coolidge, Keith@DeltaCouncil ; Alvarez, Eric@DeltaCouncil ; Farber, Aaron@DeltaCouncil ; Isenberg, Phil@DeltaCouncil	
M	M002127	M002126 - M002132	09/29/2011	Attachment: Letter to Daniel Nelson from Delta Stewardship Council			
M	M002133	M002133 - M002135	09/30/2011	FW: Delta Plan Comments (RRC)	Martha Davis	chris.stevens@deltacouncil.ca.gov	
M	M002134	M002133 - M002135	09/30/2011	Attachment: Chapter 3, 4 and 7, Delta Plan Comments			
M	M002136		10/05/2011	RE: Meeting on Upstream Watershed	Pearson, Jessica@DeltaCouncil	Martha Davis	
M	M002140	M002140 - M002145	10/05/2011	EDF Comments on 5th Draft	Cynthia Koehler	Grindstaff, Joe@DeltaCouncil ; Phil Isenberg ; Martha Davis	Spreck Rosekrans
M	M002141	M002140 - M002145	10/05/2011	Attachment: Letter to Phil Isenberg from EDF re Comments in the 5th Staff Draft			
M	M002146	M002146 - M002150	10/05/2011	FW: reclamation districts in the Delta assessing federal infrastructure projects	Nichol, Eric@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	
M	M002148	M002146 - M002150	10/05/2011	Attachment: Letter to Reclamation District No. 830 from Department of Energy			

M	M002151		10/06/2011	BCDC climate change and sea level rise report	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Macaulay, Terry@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; mdavis@ieua.org; Nichol, Eric@DeltaCouncil ; Farber, Aaron@DeltaCouncil	
M	M002152	M002152 - M002154	10/06/2011	Fw: drafty draft thoughts	Martha Davis	Martha Davis	
M	M002153	M002152 - M002154	10/06/2011	Attachment: Proposal for addressing Consequences of Not Completing ERP1, ERR8, RRP4			
M	M002155	M002155 - M002159	10/06/2011	Emailing: PLI Immediate Actions outline	Isenberg, Phil@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Martha Davis	
M	M002156	M002155 - M002159	10/06/2011	Attachment: Immediate Needs to help achieve the Coequal Goals: from now to 2025, August 24, 2011			
M	M002160		10/06/2011	follow up to our meeting	Isenberg, Phil@DeltaCouncil	ktrost@sacog.org; Grindstaff, Joe@DeltaCouncil ; Samsam, Kevan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Stevens, Chris@DeltaCouncil	

M	M002161		10/06/2011	BCDC climate change and sea level rise report	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Macaulay, Terry@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Martha Davis ; Nichol, Eric@DeltaCouncil ; Farber, Aaron@DeltaCouncil	
M	M002162		10/07/2011	Fw: GP Amendment Consistency w/ the DP	pkutras@municipalresourcegroup.com	Isenberg, Phil@DeltaCouncil ; Fiorini, Randy@DeltaCouncil ; Don Nottoli	Venegas. Sheryll ; Langan. Lynn ; Pete Kutras MRG email
M	M002164		10/07/2011	Re: were you thinking of Water Code Sec. 85022?	pkutras@municipalresourcegroup.com	Isenberg, Phil@DeltaCouncil	
M	M002165	M002165 - M002167	10/12/2011	FW: Sustainability Indicators - Delta Focused Objective and Indicators	Samsam, Kevan@DeltaCouncil	Martha Davis ; Hastings, Lauren@DeltaCouncil	
M	M002167	M002165 - M002167	10/12/2011	Attachment: Sustainability Indicators - Delta Focused Objective and Indicators			
M	M002168		10/12/2011	Re: Flow discussion.	Randy Fiorini	Isenberg, Phil@DeltaCouncil	Martha Davis ; Grindstaff, Joe@DeltaCouncil ; Pearson, Jessica@DeltaCouncil

M	M002170			10/12/2011	Wkly Mting or Conf. Call w/Phil, Randy, Pat & Joe	elaine.martin@deltacouncil.ca.gov - on behalf of - Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Johnston, Patrick@Calhealthplans ; Fiorini, Randy ; Pearson, Jessica@DeltaCouncil ; Macaulay, Terry@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Dahm, Cliff@DeltaCouncil ; Martha Davis ; Davis, Martha@Delta Council ; Alvarez, Eric@DeltaCouncil ; Stevens, Chris@DeltaCouncil	
M	M002171			10/14/2011	RE: Before I send this to Randy and Phil, is this about right	Pearson, Jessica@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Stevens, Chris@DeltaCouncil	Martha Davis
M	M002174			10/17/2011	DPC ESP review questions	Hastings, Lauren@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Macaulay, Terry@DeltaCouncil	Harader, Sam@DeltaCouncil ; Brand, Marina@DeltaCouncil ; Elizabeth Soderstrom ; Dahm, Cliff@DeltaCouncil ; Nichol, Eric@DeltaCouncil
M	M002175			10/17/2011	AB 70 Flood Liability	Farber, Aaron@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M002176			10/17/2011	Re: Delta Plan Comments - 10/14/2011	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Macaulay, Terry@DeltaCouncil ; Coolidge, Keith@DeltaCouncil	
M	M002178			10/21/2011	RE: Subsidence and farming leases	Pearson, Jessica@DeltaCouncil	Hastings, Lauren@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Macaulay, Terry@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	
M	M002182	M002182 - M002183		10/21/2011	DSC Tribal outreach report (email #2)	Macaulay, Terry@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	Coolidge, Keith@DeltaCouncil ; Alvarez, Eric@DeltaCouncil

M	M002183	M002182 - M002183	10/21/2011	Attachment: Letter to Eric Alvarez from Greg Baker re DSC EIR			
M	M002184	M002184 - M002200	10/21/2011	DSC Tribal outreach report (email #1)	Macaulay, Terry@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	Coolidge, Keith@DeltaCouncil
M	M002187	M002184 - M002200	10/21/2011	Attachment: Memo to Eric Alvarez from Matt Notley re Recap of Communication and Engagement with California Native American Tribes			
M	M002201		10/24/2011	RE: DSC Tribal outreach report (email #2)	Isenberg, Phil@DeltaCouncil	Macaulay, Terry@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	Coolidge, Keith@DeltaCouncil ; Alvarez, Eric@DeltaCouncil
M	M002202		10/26/2011	RE: Delta Plan 5 edits: Follow up on action item from Sept 30 meeting	Marino, Len	Nichol, Eric@DeltaCouncil	
M	M002208		10/26/2011	FW: delta plan	Patrick Johnston	Isenberg, Phil@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	
M	M002209		10/26/2011	additional thoughts on the Stockton letter and their 2007 General Plan	Isenberg, Phil@DeltaCouncil	Patrick Johnston ; Stevens, Chris@DeltaCouncil	
M	M002211		10/27/2011	RE: More from your fan	Mueller-Solger, Anke@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M002213		10/27/2011	RE: More from your fan	Isenberg, Phil@DeltaCouncil	Mueller-Solger, Anke@DeltaCouncil	
M	M002215		10/28/2011	FW: flows - GCID's comments	Pearson, Jessica@DeltaCouncil	Martha Davis	
M	M002217	M002217 - M002220	11/01/2011	Agenda for Uncommon Dialogue Workshop on California Water Data 11/4	Buzz Thompson and Jon Christensen	Fiona J Taft	
M	M002218	M002217 - M002220	11/01/2011	Attachment: Workshop on California Water Data, agenda, participants			
M	M002220	M002217 - M002220	11/01/2011	Attachment: Letter re participation in the workshop from Barton Thompson & Jon Christensen			
M	M002221		11/02/2011	RE: Flash Forward 100 Years: Climate Change Scenarios in California's Bay-Delta	Hastings, Lauren@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	Nichol, Eric@DeltaCouncil ; mdavis@ieua.org; Dahm, Cliff@DeltaCouncil

M	M002223		11/14/2011	RE: Some questions re: Delta Plan	Yeadon, Robert	Nichol, Eric@DeltaCouncil	
M	M002226	M002226 - M002235	11/15/2011	ACWA GW Framework Implementation Plan Outline and Matrix	Sonya Bloodworth	Martha Davis	John Rossi
M	M002227	M002226 - M002235	11/15/2011	Attachment: Draft ACWA Groundwater Framework Implementation Plan 2012-2013			
M	M002232	M002226 - M002235	11/15/2011	Attachment: Draft ACWA Groundwater Framework Recommendation Matrix			
M	M002236		11/16/2011	RE: 5 year plans	Yeadon, Robert	Nichol, Eric@DeltaCouncil	
M	M002238		11/16/2011	Re: AB 32	Blue, John	Nichol, Eric@DeltaCouncil	
M	M002239		11/16/2011	RE: Question about Delta Stewardship Council	Matt Mahon	Martha Davis	
M	M002241	M002241 - M002292	11/18/2011	FW: NRDC and Other Enviro Letters	Davis, Martha@Delta Council	Martha Davis	
M	M002242	M002241 - M002292	11/18/2011	Attachment: Letter re The First Amendment to the BDCP MOA, Comments on the BDCP MOA			
M	M002250	M002241 - M002292	11/18/2011	Attachment: Memo re Permittee Status for Water Contractors in BDCP			
M	M002261	M002241 - M002292	11/18/2011	Attachment: Letter to Federico Barajas from EDF re Public Comment on the BDCP Financing MOA			
M	M002273	M002241 - M002292	11/18/2011	Attachment: EWC Coalition Letter Regarding the Bay Delta Conservation Plan Memorandum of Agreement, November 16, 2011			
M	M002293		11/18/2011	Defining EWC Terms	David Nesmith	Martha Davis	michael and ruth Jackson ; Bill Jennings ; Nick Di Croce ; Mark Rockwell ; Barbara Barrigan-Parrilla ; dnesmith@sonic.net
M	M002294		11/22/2011	Re: Carbon Market Info	Joshua Cunningham	Nichol, Eric@DeltaCouncil	

M	M002298	M002298 - M002300	11/22/2011	EIR one-pager	Stevens, Chris@DeltaCouncil	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Martin, Elaine@DeltaCouncil
M	M002299	M002298 - M002300	11/22/2011	Attachment: Delta Plan Draft EIR			
M	M002301		11/23/2011	RE: Dredging language	Yeadon, Robert	Nichol, Eric@DeltaCouncil	
M	M002303		11/28/2011	RE: AB 32-Carbon Market	Sahota, Rajinder@ARB	Nichol, Eric@DeltaCouncil	Aguila, Brieanne@ARB
M	M002305	M002305 - M002309	11/28/2011	FW: Brief language on setback levees	Enright, Chris@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M002308	M002305 - M002309	11/28/2011	Attachment: Recommendations for Subsidence Reduction and Reversal Section			
M	M002310		11/30/2011	FW: Some thoughts about the 'Delta Values Question' and how to find the relevant sections in our documents	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Macaulay, Terry@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Martha Davis ; Coolidge, Keith@DeltaCouncil ; Alvarez, Eric@DeltaCouncil ; Farber, Aaron@DeltaCouncil ; Ryan, John@DeltaCouncil ; Boeger, Dusty@DeltaCouncil ; Newman, Thomas@DeltaCouncil	
M	M002313		12/05/2011	FW: pacinst.org/reports/water_international_2011/water-use_efficiency_and_productivity_rethinking_the_basin_approach.pdf	Pearson, Jessica@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Martha Davis ; Isenberg, Phil@DeltaCouncil ; Fiorini, Randy	
M	M002314		12/05/2011	FW: DPC Economic Sustainability Plan independent review comments FOR YOUR USE ONLY NOT FOR DISTRIBUTION	Isenberg, Phil@DeltaCouncil	Ryan, John@DeltaCouncil ; Patrick Johnston	

M	M002317	M002317 - M002322	12/06/2011	Grindstaff Letter(s) to Mike Machado on 7/14/2011 and 9/09/2011	Martin, Elaine@DeltaCouncil	Alvarez, Eric@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; mdavis@ieua.org	Isenberg, Phil@DeltaCouncil
M	M002318	M002317 - M002322	12/06/2011	Attachment: Letter to Michael Machado from Delta			
M	M002320	M002317 - M002322	12/06/2011	Attachment: Letter to Michael Machado from Delta			
M	M002323	M002323 - M002324	12/06/2011	Covered Action List - List of projects that occur in Delta if the Delta Plan were in effect today	Samsam, Kevan@DeltaCouncil	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Macaulay, Terry@DeltaCouncil
M	M002324	M002323 - M002324	12/06/2011	Attachment: Covered Action List - List of Projects that occur in Delta if the Delta Plan were in effect today			
M	M002325		12/08/2011	RE: Flood Risk Terminology	Grindstaff, Joe@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M002328		12/12/2011	Re: Prep for Friday conf call w/ Phil, Randy, Pat	Patrick Johnston	Nichol, Eric@DeltaCouncil	
M	M002332	M002332 - M002333	12/13/2011	FW: freeport npa	Thomas. Don (MSA)	Nichol, Eric@DeltaCouncil	
M	M002333	M002332 - M002333	12/13/2011	Attachment: Picture/Map of Freeport Blvd.			
M	M002334	M002334 - M002340	12/14/2011	BDCP Handouts that explain "Sip/Gulp"	Gwendolyn.Buchholz@CH2M.com	Martha Davis	
M	M002335	M002334 - M002340	12/14/2011	Attachment: Draft Considerations for Determining the Capacity of Isolated Conveyance, Handout #3			
M	M002339	M002334 - M002340	12/14/2011	Attachment: Draft Rationale for Determining the Capacity of Isolated Conveyance, Handout #1			
M	M002341		12/16/2011	RE: Sac Co. Mapping Assistance	Thomas. Don	Nichol, Eric@DeltaCouncil ; Westhoff, Alex@DPC ; Ceccarelli, Marc@DPC	

M	M002346		12/16/2011	RE: Clarksburg Urban Limit Line	Gwendolyn.Buchholz@CH2M.com	Nichol, Eric@DeltaCouncil	
M	M002348		12/16/2011	A request on the latest OCAP science review panel report, and some further work on the dissemination of scientific information	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Dahm, Cliff@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Martha Davis ; Macaulay, Terry@DeltaCouncil	Fiorini, Randy ; Patrick Johnston
M	M002350		12/16/2011	RE: A request on the latest OCAP science review panel report, and some further work on the dissemination of scientific information	Pearson, Jessica@DeltaCouncil	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil
M	M002353		12/19/2011	RE: A request on the latest OCAP science review panel report, and some further work on the dissemination of scientific information	Isenberg, Phil@DeltaCouncil	Pearson, Jessica@DeltaCouncil	
M	M002356		12/20/2011	RE: Incorporating Sea Level Rise into Delta Plan	Pearson, Jessica@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Nichol, Eric@DeltaCouncil	Grindstaff, Joe@DeltaCouncil
M	M002358		12/20/2011	Re: meeting with mwd	Martha Davis	Jessica.Pearson@deltacouncil.ca.gov	
M	M002359		12/20/2011	RE: Incorporating Sea Level Rise into Delta Plan	Pearson, Jessica@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Nichol, Eric@DeltaCouncil	Grindstaff, Joe@DeltaCouncil
M	M002362		12/20/2011	interesting description of DSC, the Delta Plan and relationship to BDCP	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil	
M	M002365		12/21/2011	RE: Delta Mapping (2)	Thomas. Don	Ceccarelli, Marc@DPC ; Nichol, Eric@DeltaCouncil ; Westhoff, Alex@DPC	
M	M002368		12/21/2011	RE: Delta Flood Insurance stuff	Lawson, David	Yeadon, Robert ; Nichol, Eric@DeltaCouncil	
M	M002370		12/21/2011	Re: EWC/DSC Meet Scheduled	Troutnk@aol.com	summerhillfarmvp@aol.com; ewc@davidnesmith.com; Martha Davis	

M	M002373		12/22/2011	RE: Chapter 9 Outline draft 12-22-11 alh	Macaulay, Terry@DeltaCouncil	Miller, Curtis@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	Ray, Dan@DeltaCouncil ; Allan.Highstreet@CH2M.com ; Nichol, Eric@DeltaCouncil
M	M002377	M002377 - M002404	12/22/2011	BDCP Steering Committee Presentation of Changes in Exports with Capacity and Operational Variability	Gwendolyn.Buchholz@CH2M.com	Martha Davis	
M	M002379	M002377 - M002404	12/22/2011	Attachment: Presentation BDCP Steering Committee New Delta Conveyance Analysis of Tunnel Sizing Informational Briefing Only, July 1, 2010			
M	M002405	M002405 - M002408	01/03/2012	FW: Pie chart water Allocation	Pearson, Jessica@DeltaCouncil	Martha Davis	
M	M002407	M002405 - M002408	01/03/2012	Attachment: Pie Chart BDCP Delta Water Allocation			
M	M002408	M002405 - M002408	01/03/2012	Attachment: Pie Chart Water Allocation			
M	M002409		01/03/2012	Re: Ag-Urban Coalition meeting	Martha Davis	Jessica.Pearson@deltacouncil.ca.gov	
M	M002413	M002413 - M002417	01/04/2012	FW: Pie chart water Allocation	Gwendolyn.Buchholz@CH2M.com	Martha Davis	Gwendolyn.Buchholz@CH2M.com; Jeanne.Brantigan@CH2M.com
M	M002416	M002413 - M002417	01/04/2012	Attachment: Pie Chart Water Allocation			
M	M002417	M002413 - M002417	01/04/2012	Attachment: Pie Chart Water Allocation			
M	M002418		01/05/2012	RE: Legacy Town List	Ceccarelli, Marc@DPC	Thomas, Don@saccounty ; Nichol, Eric@DeltaCouncil	Westhoff, Alex@DPC
M	M002420		01/05/2012	RE: Legacy Town Maps	Ceccarelli, Marc@DPC	Nichol, Eric@DeltaCouncil ; Westhoff, Alex@DPC	
M	M002421		01/05/2012	Re: Foundational Principles	Randy Fiorini	Tim Quinn	
M	M002422	M002422 - M002423	01/05/2012	FW: Foundational Principles	Grindstaff, Joe@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Martha Davis	
M	M002423	M002422 - M002423	01/05/2012	Attachment: Foundational Policy Principles for the Delta Plan, January, 2012			
M	M002424		01/06/2012	carbon credits	Correa, Lindsay@DeltaCouncil	Nichol, Eric@DeltaCouncil	

M	M002425		01/06/2012	MWD/CCWD/SFWP, etc letter re levees	Isenberg, Phil@DeltaCouncil	Jonas Minton	
M	M002426		01/06/2012	RE: Interesting letter from MWD and several No Cal water districts	Isenberg, Phil@DeltaCouncil	maven@aquafornia.com	
M	M002429		01/09/2012	RE: Transfers	Ryan S. Bezerra	Randy Fiorini	Joe Grindstaff ; Martha Davis ; Jessica Pearson ; Paul M. Bartkiewicz
M	M002430		01/09/2012	Transfers	Randy Fiorini	RSB@bkslawfirm.com	Joe Grindstaff ; Martha Davis ; Jessica Pearson
M	M002431		01/09/2012	FW: Delta Plan - Transfer	Pearson, Jessica@DeltaCouncil	Grindstaff, Joe@DeltaCouncil	Martha Davis ; Coolidge, Keith@DeltaCouncil
M	M002432		01/09/2012	RE: Thought on "Values of the Delta"	Isenberg, Phil@DeltaCouncil	Mark Pruner	
M	M002434		01/10/2012	RE: Legacy Town List Follow-up	Thomas. Don	Ceccarelli, Marc@DPC ; Nichol, Eric@DeltaCouncil ; Westhoff, Alex@DPC	
M	M002436		01/10/2012	FW: Transitions for the Delta Economy	Marcus, Felicia	Grindstaff, Joe@DeltaCouncil ; Fiorini, Randy ; Isenberg, Phil@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Martha Davis	
M	M002439	M002439 - M002447	01/10/2012	FW: AGurb Comments	Grindstaff, Joe@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M002441	M002439 - M002447	01/10/2012	Attachment: ACWA recommendations			
M	M002448		01/12/2012	DCC Coordinator Transition	Pete Kutras	Isenberg, Phil@DeltaCouncil ; Fiorini, Randy@DeltaCouncil ; Gray, Gloria@DeltaCouncil ; Marcus, Felicia@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Macaulay, Terry@DeltaCouncil ; Hastings, Lauren@DeltaCouncil	Doug Brown ; Kutras, Pete@municipalresourcegro up

M	M002449		01/13/2012	RE: fast report on the San Diego and Pasadena EIR meetings	Grindstaff, Joe@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Fiorini, Randy ; Johnston, Patrick@Calhealthplans ; Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; mdavis@ieua.org; Coolidge, Keith@DeltaCouncil ; Stevens, Chris@DeltaCouncil	
M	M002451	M002451 - M002544	01/15/2012	Information related to Area of Origin and Water Plans 2005-2009	Gwendolyn.Buchholz@CH2M.com	Martha Davis	Gwendolyn.Buchholz@CH2M.com
M	M002452	M002451 - M002544	01/15/2012	Attachment: Water Allocation, Use, and Regulation in California			
M	M002468	M002451 - M002544	01/15/2012	Attachment: CWP 2009 Water Allocations in California.job options			
M	M002475	M002451 - M002544	01/15/2012	Attachment: Development and Use of Water Portfolio Information in Water Plan Updates 2005 and 2009			
M	M002477	M002451 - M002544	01/15/2012	Attachment: Letter to John Kirlin from Virginia Cahill re Reallocation of Water under Specific Conditions			
M	M002504	M002451 - M002544	01/15/2012	Attachment: Letter to John Kirlin from Virginia Cahill re Area of Origin Provisions in California Water Law			
M	M002518	M002451 - M002544	01/15/2012	Attachment: Letter to John Kirlin from Virginia Cahill re Reallocation of Water under Specified Conditions			
M	M002545		01/18/2012	FW: Caltrans request for meeting re: Delta Plan-Draft Environmental Impact Report	Thomason, Christie@DeltaCouncil	Nichol, Eric@DeltaCouncil	

M	M002547		01/19/2012	DWR preview of our levee evaluation/prioritization policy language	Pearson, Jessica@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Nichol, Eric@DeltaCouncil	
M	M002548		01/19/2012	FW: Delta Plan/Transfer Meeting	Coolidge, Keith@DeltaCouncil	Martha Davis	
M	M002549		01/20/2012	RE: legacy towns	Hastings, Lauren@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M002551	M002551 - M002554	01/23/2012	FW: Legacy Town Mapping	Thomas. Don	Nichol, Eric@DeltaCouncil	
M	M002553	M002551 - M002554	01/23/2012	Attachment: Picture/Map of Sacramento County Hood, Ehrhardt Club			
M	M002554	M002551 - M002554	01/23/2012	Attachment: Picture/Map of Sacramento County, Walnut Grove			
M	M002555		01/25/2012	RE: Floodway map	Marino, Len	Nichol, Eric@DeltaCouncil	
M	M002558	M002558 - M002563	01/25/2012	FW: Coalition's critical issues matrix	Grindstaff, Joe@DeltaCouncil	Fiorini, Randy ; Martha Davis ; Pearson, Jessica@DeltaCouncil ; Stevens, Chris@DeltaCouncil	
M	M002560	M002558 - M002563	01/25/2012	Attachment: Final Critical Issues Matrix			
M	M002564		01/26/2012	RE: RR p1 and RR p2 language	Pearson, Jessica@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Nichol, Eric@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil
M	M002566		01/27/2012	RE: Follow-up on the request for Dr. Rosenfield to Present to the Council	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil	
M	M002568		01/28/2012	RE: A query from Lodi City Council member Larry D. Hansen FW: checking in	Grindstaff, Joe@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Ray, Dan@DeltaCouncil	
M	M002570		01/30/2012	Re: Ag Urban Wrap Up	Randy Fiorini	Martha Davis	Pearson, Jessica@DeltaCouncil ; Fiorini, Randy ; Grindstaff, Joe@DeltaCouncil ; Stevens, Chris@DeltaCouncil
M	M002573		01/30/2012	Re: Ag Urban Wrap Up	Randy Fiorini	Pearson, Jessica@DeltaCouncil	Fiorini, Randy ; Grindstaff, Joe@DeltaCouncil ; Martha Davis ; Stevens, Chris@DeltaCouncil
M	M002575		01/30/2012	RE: Water Rights	Pearson, Jessica@DeltaCouncil	Martha Davis	

M	M002576		01/30/2012	Ag Urban Wrap Up	Pearson, Jessica@DeltaCouncil	Fiorini, Randy ; Grindstaff, Joe@DeltaCouncil ; Martha Davis ; Stevens, Chris@DeltaCouncil	
M	M002578		01/30/2012	RE: A query from Lodi City Council member Larry D. Hansen FW: checking in	Samsam, Kevan@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M002581	M002581 - M002582	01/31/2012	RE: Delta as Place materials	Ray, Dan@DeltaCouncil	Machado, Michael@DPC	
M	M002582	M002581 - M002582	01/31/2012	Seeking NHA public involvement info	Ray, Dan@DeltaCouncil	Westhoff, Alex@DPC	
M	M002583		01/31/2012	RE: checking in	Larry Hansen	Isenberg, Phil@DeltaCouncil	
M	M002584		01/31/2012	FW: checking in	Isenberg, Phil@DeltaCouncil	Samsam, Kevan@DeltaCouncil	
M	M002586		01/31/2012	RE: checking in	Isenberg, Phil@DeltaCouncil	Larry Hansen	
M	M002588		02/01/2012	Re: Water Quality Chapter Recommendation - Water Quality Modeling	Martha Davis	Grindstaff, Joe@DeltaCouncil ; Lischeske, Carl@Delta Council ; Pearson, Jessica@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil	Bradley, Mark@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Samsam, Kevan@DeltaCouncil
M	M002591		02/01/2012	Re: Water Quality Chapter Recommendation - Water Quality Modeling	Martha Davis	joe.grindstaff@deltacouncil.ca.gov; Carl.Lischeske@DeltaCouncil.ca.gov; Jessica.Pearson@deltacouncil.ca.gov; cindy.messer@deltacouncil.ca.gov; chris.stevens@deltacouncil.ca.gov; dan.ray@deltacouncil.ca.gov	Mark.Bradley@DeltaCouncil.ca.gov; eric.nichol@deltacouncil.ca.gov; Kevan.Samsam@deltacouncil.ca.gov
M	M002594	M002594 - M002597	02/02/2012	FW: Covered Action Items for Discussion	Samsam, Kevan@DeltaCouncil	Lischeske, Carl@Delta Council	Nichol, Eric@DeltaCouncil ; Bradley, Mark@DeltaCouncil
M	M002595	M002594 - M002597	02/02/2012	Attachment: A Discussion of Covered Actions			
M	M002598		02/03/2012	RE: AM Talk	Adam Ballard	Correa, Lindsay@DeltaCouncil	
M	M002600		02/03/2012	RE: Pathogens	Lischeske, Carl@Delta Council	Pearson, Jessica@DeltaCouncil ; Bradley, Mark@DeltaCouncil	mdavis@ieua.org

M	M002601	M002601 - M002606	02/03/2012	Fw: Delta Plan - Water Transfers	Pearson, Jessica@DeltaCouncil	Martha Davis ; Grindstaff, Joe@DeltaCouncil	Stevens, Chris@DeltaCouncil
M	M002602	M002601 - M002606	02/03/2012	Attachment: Memo ro Martha Davis from Paul Bartkiewicz & Ryan Bezerra re Fifth Draft Delta Plan- Policy WR P2			
M	M002606	M002601 - M002606	02/03/2012	Attachment: 3405 (a) Water Transfers SEC. 226: Public Participation			
M	M002607		02/06/2012	WR P1	Grindstaff, Joe@DeltaCouncil	Martha Davis	
M	M002608		02/07/2012	RE: Delta Levees Standards Development	Grindstaff, Joe@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M002610	M002610 - M002612	02/07/2012	FW: PLI suggestion for initial integration language Chapter 4	Isenberg, Phil@DeltaCouncil	Martha Davis ; Stevens, Chris@DeltaCouncil	
M	M002611	M002610 - M002612	02/07/2012	Attachment: Chapter 4 Suggested Intro Text for the Chapter Cover Page			
M	M002613		02/08/2012	Delta as place	Ray, Dan@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Harader, Sam@DeltaCouncil ; Bradley, Mark@DeltaCouncil ; Davis, Martha@Delta Council	
M	M002614	M002614 - M002640	02/08/2012	FW: Scan of Burials in sand mounds of the Delta Region of the Sacramento-San Joaquin River System by SF Cook and AB Elsasser	Thomason, Christie@DeltaCouncil	Ray, Dan@DeltaCouncil	
M	M002615	M002614 - M002640	02/08/2012	Attachment: Reports of the University of California Archaeological Survey No. 35			

M	M002641	M002641 - M002643	02/08/2012	UPDATED! Quick Levee Info Summary	Nichol, Eric@DeltaCouncil	Lischeske, Carl@Delta Council ; Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	
M	M002642	M002641 - M002643	02/08/2012	Attachment: Draft Delta Levees Information			
M	M002644		02/08/2012	RE: Transfer Meeting	Kenner, Spencer	Martha Davis ; keith.coolidge@deltacouncil.ca.gov	
M	M002649		02/08/2012	FW: Delta Stewardship Council/ exemption for leasing	Stevens, Chris@DeltaCouncil	pjohnston@calhealthplans.com	Isenberg, Phil@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Samsam, Kevan@DeltaCouncil ; Ray, Dan@DeltaCouncil
M	M002652		02/13/2012	RE: DWR Levee \$ Prioritization	Bagheban, Sean	Nichol, Eric@DeltaCouncil	
M	M002653	M002653 - M002655	02/13/2012	FW: Role of Port of Stockton in causing the SJR DWSC Low DO Problem	Ray, Dan@DeltaCouncil	Harader, Sam@DeltaCouncil ; Bradley, Mark@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; Lischeske, Carl@Delta Council ; Pearson, Jessica@DeltaCouncil
M	M002654	M002653 - M002655	02/13/2012	Attachment: Letter to Joe Grindstaff from Fred			
M	M002656		02/13/2012	RE: Role of Port of Stockton in causing the SJR DWSC Low DO Problem	Hastings, Lauren@DeltaCouncil	Harader, Sam@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Bradley, Mark@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Lischeske, Carl@Delta Council ; Pearson, Jessica@DeltaCouncil
M	M002658		02/13/2012	FW: Flood control/levee information	Grindstaff, Joe@DeltaCouncil	Nichol, Eric@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Lischeske, Carl@Delta Council	Ray, Dan@DeltaCouncil
M	M002659		02/13/2012	RE: OAL rejects exemptions proposed for agricultural reporting of water used	Grindstaff, Joe@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Stevens, Chris@DeltaCouncil	
M	M002660	M002660 - M002664	02/14/2012	some stuff for the meeting tomorrow	Isenberg, Phil@DeltaCouncil	William H. Edgar	
M	M002663	M002660 - M002664	02/14/2012	Attachment: Bio of Randy Fiorini			
M	M002664	M002660 - M002664	02/14/2012	Attachment: Bio for Joe Grindstaff			

M	M002665	M002665 - M002666	02/15/2012	Delta Levee Standards	Bagheban, Sean	Nichol, Eric@DeltaCouncil	
M	M002666	M002665 - M002666	02/15/2012	Attachment: Delta Levees Subventions Program Design Standards			
M	M002667	M002667 - M002669	02/16/2012	Preliminary list of potential points of coordination	Adam Ballard	Correa, Lindsay@DeltaCouncil	Bob Hosea ; dzezulak@dfg.ca.gov; Hildegard Spautz
M	M002668	M002667 - M002669	02/16/2012	Attachment: Re: Points of cordination between DFG's Ecosystem Restoration Program and Delta Stewardship Council/Delta Science Program, February 15, 2012			
M	M002670		02/17/2012	RE: glossary needs	Pearson, Jessica@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M002672	M002672 - M002683	02/17/2012	DSP / ERP Coordination Meeting Materials - 22 February 2012	Adam Ballard	Mueller-Solger, Anke@DeltaCouncil ; Dahm, Cliff@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; Correa, Lindsay@DeltaCouncil ; Koller, Martina@Deltacouncil ; Bob Hosea ; Daniel Burmester ; dzezulak@dfg.ca.gov; Hildegard Spautz ; Joshua Grover ; Julie Garcia ; Scott Cantrell	
M	M002673	M002672 - M002683	02/17/2012	Attachment: Agenda ERP- DSP Coordination Meeting, February 22, 2012			
M	M002674	M002672 - M002683	02/17/2012	Attachment: Points of cordination between DFG's Ecosystem Restoration Program and Delta Stewardship Council/Delta Science Program, February 17, 2012			

M	M002677	M002672 - M002683	02/17/2012	Attachment: Memorandum of Understanding Between the Delta Stewardship Council and the Department of Fish and Game to Facilitate the Implementation of the Sacramento-San Joaquin Delta Reform Act of 2009			
M	M002684		02/21/2012	RE: Cost Share Ratios	Mierzwa, Michael	Nichol, Eric@DeltaCouncil	anna.fock@mwhglobal.com; Yung-Hsin Sun ; Arrich, Jeremy ; Bartlett, Joseph
M	M002686		02/21/2012	RE: Cost Shares	Grindstaff, Joe@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M002688		02/21/2012	RE: Emerg. Prep etc. for Delta Plan	Clark, Patricia	Nichol, Eric@DeltaCouncil ; Croyle, William	
M	M002690	M002690 - M002693	02/21/2012	FW: water rights text box	Pearson, Jessica@DeltaCouncil	Martha Davis	Messer, Cindy@DeltaCouncil ; Bradley, Mark@DeltaCouncil
M	M002691	M002690 - M002693	02/21/2012	Attachment: Water Rights Different Take			
M	M002694		02/22/2012	RE: Garamendi bill appears to be inconsistent w/ Delta Plan	Ray, Dan@DeltaCouncil	Isenberg, Phil@DeltaCouncil	Nichol, Eric@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil
M	M002696		02/22/2012	RE: Levee questions for DWR	Grindstaff, Joe@DeltaCouncil	Nichol, Eric@DeltaCouncil	Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil
M	M002701	M002701 - M002709	02/22/2012	DPC Proposal to DSC	Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Bradley, Mark@DeltaCouncil ; Harader, Sam@DeltaCouncil ; Hastings, Lauren@DeltaCouncil	
M	M002702	M002701 - M002709	02/22/2012	Attachment: Delta Plan- Fifth Staff Draft, General Comments on Chapter 8			
M	M002710	M002710 - M002711	02/23/2012	ERP Conservation Strategy - Table 1 (page 8)	Joshua Grover	Hastings, Lauren@DeltaCouncil ; Correa, Lindsay@DeltaCouncil	Adam Ballard ; Julie Garcia

M	M002711	M002710 - M002711	02/23/2012	Attachment: Table 1. Comparison of ERP goals with the goals and objectives found in other conservation and restoration plans for the Sacramento-San Joaquin Delta			
M	M002712		02/23/2012	RE: AgUrban	Pearson, Jessica@DeltaCouncil	Fiorini, Randy ; Grindstaff, Joe@DeltaCouncil ; Martha Davis	
M	M002713		02/24/2012	Delta levee policy	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	Messer, Cindy@DeltaCouncil
M	M002714		02/24/2012	Follow-up (grant funding constraints)	Adam Ballard	Correa, Lindsay@DeltaCouncil	
M	M002715		02/27/2012	RE: PPIC now says less Delta exports	Jonas Minton	Isenberg, Phil@DeltaCouncil	Evon Chambers ; Grindstaff, Joe@DeltaCouncil
M	M002717		02/28/2012	City of Stockton fiscal condition reports for their Council meeting tonight	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Fiorini, Randy ; Johnston, Patrick@Calhealthplans	Coolidge, Keith@DeltaCouncil ; Alvarez, Eric@DeltaCouncil
M	M002718	M002718 - M002736	03/03/2012	FW: Coalition Issue Papers & Meeting Dates	Grindstaff, Joe@DeltaCouncil	Martha Davis ; Pearson, Jessica@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil	
M	M002719	M002718 - M002736	03/03/2012	Attachment: Draft AG-Urban Coalition Suggested Language to Address Delta flows and Changes to ER P1			
M	M002723	M002718 - M002736	03/03/2012	Attachment: Draft AG-Urban Coalition Recommendation for WR R5			
M	M002724	M002718 - M002736	03/03/2012	Attachment: Draft AG-Urban Coalition Proposed Language to Replace WR P2			
M	M002729	M002718 - M002736	03/03/2012	Attachment: Draft AG-Urban Coalition Water Supply Reliability and Regional Self-Reliance Sidebar			
M	M002731	M002718 - M002736	03/03/2012	Attachment: Draft AG-Urban Coalition Suggested Language for Consistency Review Procedures			

M	M002734	M002718 - M002736	03/03/2012	Attachment: Draft AG-Urban Coalition Review of Bay Delta Conservation Plan			
M	M002737	M002737 - M002747	03/05/2012	FW: dsc draft reliability definitions	Martha Davis	Robert Wilkinson	
M	M002738	M002737 - M002747	03/05/2012	Attachment: Charts of Historical Allocations and Deliveries - South of Delta			
M	M002742	M002737 - M002747	03/05/2012	Attachment: What does a "A More Reliable Water Supply for California" mean?			
M	M002745	M002737 - M002747	03/05/2012	Attachment: What is the Delta Plan's Proposed Water Export Predictability Index			
M	M002748		03/06/2012	Re: Legacy communities map from Sac County	Jeanne.Brantigan@CH2M.com	Messer, Cindy@DeltaCouncil	Ray, Dan@DeltaCouncil ; Nichol, Eric@DeltaCouncil
M	M002749		03/06/2012	Re: Graphs of Delta Inflows and Exports	Fiorini, Randy@DeltaCouncil	Martha Davis	Pearson, Jessica@DeltaCouncil
M	M002752		03/07/2012	RE: DPC review of our updated policies	Grindstaff, Joe@DeltaCouncil	Ray, Dan@DeltaCouncil ; Nichol, Eric@DeltaCouncil	Messer, Cindy@DeltaCouncil
M	M002753	M002753 - M002861	03/08/2012	RE: Delta Plan - revised potential changes to DP document	Gwendolyn.Buchholz@CH2M.com	Davis, Martha@Delta Council ; James.Andrew@doj.ca.gov; Messer, Cindy@DeltaCouncil	
M	M002755	M002753 - M002861	03/08/2012	Attachment: Water Transfer Issues in California Final Report to the California State Water Resources Control Board			
M	M002862		03/09/2012	RE: Legacy Communities Map	Thomason, Christie@DeltaCouncil	Nichol, Eric@DeltaCouncil	Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil
M	M002864	M002864 - M002866	03/09/2012	FW: note on Delta urbanization and Stockton	Ray, Dan@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Johnston, Patrick@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Hastings, Lauren@DeltaCouncil
M	M002866	M002864 - M002866	03/09/2012	Attachment: Letter to Phil Isenberg from University of the Pacific			

M	M002867		03/09/2012	RE: note on Delta urbanization and Stockton	Isenberg, Phil@DeltaCouncil	Ray, Dan@DeltaCouncil ; Johnston, Patrick@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Hastings, Lauren@DeltaCouncil
M	M002869		03/12/2012	RE: Delta Plan: Regional Flood Risk Assessment District	Machado, Michael@DPC	Nichol, Eric@DeltaCouncil	
M	M002872		03/12/2012	Pending SWRCB report on Communities that rely on contaminated groundwater Should we comment?	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Goodwin, Peter@DeltaCouncil	
M	M002873	M002873 - M002878	03/14/2012	RE: note on Delta urbanization and Stockton	Gwendolyn.Buchholz@CH2M.com	Ray, Dan@DeltaCouncil	Brantigan, Jeanne ; Bucholz, Gwendolyn@VENDOR-CH2M
M	M002875	M002873 - M002878	03/14/2012	Attachment: Figure 3 for Information about Areas outside of Stockton Sphere of Influence			
M	M002876	M002873 - M002878	03/14/2012	Attachment: Information about Areas outside of Stockton Sphere of Influence			
M	M002879	M002879 - M002881	03/15/2012	FW: Available GIS data and example figures from Draft EIR	Gwendolyn.Buchholz@CH2M.com	Ray, Dan@DeltaCouncil	Brantigan, Jeanne ; Bucholz, Gwendolyn@VENDOR-CH2M
M	M002881	M002879 - M002881	03/15/2012	Attachment: Contra Costa County Delta Recreation and Resource Land Use Designation			
M	M002882	M002882 - M002898	03/15/2012	FW: Legacy Community Maps	Gwendolyn.Buchholz@CH2M.com	Ray, Dan@DeltaCouncil ; Nichol, Eric@DeltaCouncil	Brantigan, Jeanne ; Messer, Cindy@DeltaCouncil ; Bucholz, Gwendolyn@VENDOR-CH2M ; Cowan, Dillon@VENDOR-CH2M ; David.Christophel@CH2M.com
M	M002884	M002882 - M002898	03/15/2012	Attachment: Community of Bethel Island			
M	M002889	M002882 - M002898	03/15/2012	Attachment: Community of Clarksburg			

M	M002891	M002882 - M002898	03/15/2012	Attachment: Community of Knightsen			
M	M002895	M002882 - M002898	03/15/2012	Attachment: City of Rio Vista			
M	M002899		03/15/2012	RE: ERP Conservation Strategy - Table 1 (page 8)	Correa, Lindsay@DeltaCouncil	Joshua Grover ; Hastings, Lauren@DeltaCouncil	Adam Ballard ; Julie Garcia
M	M002901		03/15/2012	Let's get together...	John Mills	Martha Davis ; Martha Davis	
M	M002902		03/16/2012	FW: COS land use table	Stevens, Chris@DeltaCouncil	Ray, Dan@DeltaCouncil ; Samsam, Kevan@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; pjohnston@calhealthplans.com; Isenberg, Phil@DeltaCouncil
M	M002905	M002905 - M002910	03/19/2012	FW: Info from CH on Delta urbanization and Stockton	Ray, Dan@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Johnston, Patrick@DeltaCouncil	Grindstaff, Joe@DeltaCouncil
M	M002907	M002905 - M002910	03/19/2012	Attachment: Figure 3 for Information about Areas outside of Stockton Sphere of Influence			
M	M002908	M002905 - M002910	03/19/2012	Attachment: Information about Areas outside of Stockton Sphere of Influence, March 14, 2012			
M	M002911	M002911 - M002916	03/19/2012	FW: Info from CH on Delta urbanization and Stockton	Ray, Dan@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Johnston, Patrick@DeltaCouncil	Grindstaff, Joe@DeltaCouncil
M	M002913	M002911 - M002916	03/19/2012	Attachment: Figure 3 for Information about Areas outside of Stockton Sphere of Influence			
M	M002914	M002911 - M002916	03/19/2012	Attachment: Information about Areas outside of Stockton Sphere of Influence, March 14, 2012			
M	M002917		03/20/2012	Re: Jason Peltier praises a Grindstaff letter re: Stockton Mayor	Randy Fiorini	Isenberg, Phil@DeltaCouncil	Fiorini, Randy ; Johnston, Patrick@Calhealthplans ; Grindstaff, Joe@DeltaCouncil
M	M002919		03/20/2012	RE: Jason Peltier praises a Grindstaff letter re: Stockton Mayor	Patrick Johnston	Randy Fiorini ; Isenberg, Phil@DeltaCouncil	Fiorini, Randy ; Grindstaff, Joe@DeltaCouncil

M	M002921		03/20/2012	Fwd: Grindstaff letter	Jason Peltier	Grindstaff, Joe@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Tom Birmingham
M	M002922		03/20/2012	Re: Jason Peltier praises a Grindstaff letter re: Stockton Mayor	Isenberg, Phil@DeltaCouncil	Johnston, Patrick@Calhealthplans	
M	M002924	M002924 - M002925	03/21/2012	Coordination in support of the Delta Plan	Correa, Lindsay@DeltaCouncil	Adam Ballard	dzezulak@dfg.ca.gov; Hildegarde Spautz ; Joshua Grover ; Bob Hosea ; Hastings, Lauren@DeltaCouncil ; Harader, Sam@DeltaCouncil ; Brand, Marina@DeltaCouncil
M	M002925	M002924 - M002925	03/21/2012	Attachment: Ecosystem Restoration Near-term Actions In the Delta and Suisun Marsh			
M	M002926	M002926 - M002929	03/22/2012	RE: Delta Economics- based analysis factors	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	
M	M002927	M002926 - M002929	03/22/2012	Attachment: Draft Economics Based Risk Analysis Factors			
M	M002930	M002930 - M002937	03/22/2012	FW: GIS legacy community information	Nichol, Eric@DeltaCouncil	Brantigan, Jeanne	Messer, Cindy@DeltaCouncil ; Ray, Dan@DeltaCouncil
M	M002931	M002930 - M002937	03/22/2012	Attachment: GIS Legacy Community information			
M	M002932	M002930 - M002937	03/22/2012	Attachment: GIS Legacy Community information			
M	M002933	M002930 - M002937	03/22/2012	Attachment: GIS Legacy Community information			
M	M002934	M002930 - M002937	03/22/2012				
M	M002935	M002930 - M002937	03/22/2012	Attachment: GIS Legacy Community information			
M	M002936	M002930 - M002937	03/22/2012	Attachment: GIS Legacy Community information			
M	M002937	M002930 - M002937	03/22/2012				
M	M002938		03/22/2012	Re: definition of water supply reliability	Robert Wilkinson	Martha Davis	Dennis.OConnor@SEN.CA.GO V
M	M002941	M002941 - M002945	03/22/2012	Re: refined reliability definitions	Robert Wilkinson	Martha Davis	Dennis.OConnor@SEN.CA.GO V

M	M002942	M002941 - M002945	03/22/2012	Attachment: What Does a "A More Reliable Water Supply for California" mean?			
M	M002945	M002941 - M002945	03/22/2012	Attachment: Email to Martha Davis from Robert Wilkinson			
M	M002946		03/22/2012	RE: Reduced reliance	Ray, Dan@DeltaCouncil	Martha Davis	
M	M002947	M002947 - M002948	03/22/2012	FW: definition of water supply reliability	Martha Davis	Barry Nelson	
M	M002948	M002947 - M002948	03/22/2012	Attachment: revised simple reliable definitions			
M	M002949	M002949 - M002951	03/22/2012	FW: predictability	Martha Davis	chris.stevens@deltacouncil.ca.gov	
M	M002950	M002949 - M002951	03/22/2012	Attachment: revised simple reliable definitions			
M	M002952	M002952 - M002954	03/22/2012	RE: predictability	Cynthia Koehler	Martha Davis	
M	M002953	M002952 - M002954	03/22/2012	Attachment: revised simple reliable definitions			
M	M002955	M002955 - M003054	03/23/2012	RE: Coordination in support of the Delta Plan	Adam Ballard	Correa, Lindsay@DeltaCouncil	
M	M002957	M002955 - M003054	03/23/2012	Attachment: Dutch Slough Adaptive Management Plan, Version 1, January 2008			
M	M003055	M003055 - M003058	03/23/2012	FW: Graphs of Delta Inflows and Exports	Martha Davis	Barry Nelson	
M	M003057	M003055 - M003058	03/23/2012	Attachment: Chart Sacramento River and San Joaquin River Delta Inflows and South Delta® Exports, 1956-2010			
M	M003059	M003059 - M003067	03/26/2012	RE: Coordination in support of the Delta Plan	Correa, Lindsay@DeltaCouncil	Correa, Lindsay@DeltaCouncil ; Adam Ballard	dzezulak@dfg.ca.gov; Hildegard Spautz ; Joshua Grover ; Bob Hosea ; Hastings, Lauren@DeltaCouncil ; Harader, Sam@DeltaCouncil ; Brand, Marina@DeltaCouncil
M	M003061	M003059 - M003067	03/26/2012	Attachment: Preliminary Draft - Science Needs for the Delta Plan, Chapter 5 & 6			

M	M003062	M003059 - M003067	03/26/2012	Attachment: Draft Chart Chapter 5: Restore the Delta Ecosystem			
M	M003068		03/28/2012	RE: DVF Delta Levees Comments	Charles Gardiner	Mierzwa, Michael ; Nichol, Eric@DeltaCouncil	
M	M003071	M003071 - M003074	03/28/2012	RE: Coordination in support of the Delta Plan - Restoration Actions	Adam Ballard	Correa, Lindsay@DeltaCouncil	Hastings, Lauren@DeltaCouncil ; Brand, Marina@DeltaCouncil ; Harader, Sam@DeltaCouncil ; Bob Hosea ; dzezulak@dfg.ca.gov; Hildegarde Spautz
M	M003073	M003071 - M003074	03/28/2012	Attachment: Draft Chart Near-Term_RestorationActions			
M	M003075		03/28/2012	First impressions of the National Research Council of the National Academies report	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Alvarez, Eric@DeltaCouncil ; Goodwin, Peter@DeltaCouncil	
M	M003077	M003077 - M003084	03/29/2012	Coordination in support of the Delta Plan - Performance Measures	Hildegarde Spautz	Correa, Lindsay@DeltaCouncil	Adam Ballard ; Bob Hosea ; dzezulak@dfg.ca.gov; Joshua Grover
M	M003078	M003077 - M003084	03/29/2012	Attachment: Chart Chapter 5: Restore the Delta Ecosystem			
M	M003084	M003077 - M003084	03/29/2012	Attachment: New Revised DRAFT ERP Conservation Strategy, Stage 2 Actions for Non-Native Invasive Species			
M	M003085		03/29/2012	RE: Coordination in support of the Delta Plan - Performance Measures	Correa, Lindsay@DeltaCouncil	Hastings, Lauren@DeltaCouncil ; Harader, Sam@DeltaCouncil ; Brand, Marina@DeltaCouncil	
M	M003087	M003087 - M003091	03/29/2012	RE: Coordination in support of the Delta Plan - Science Needs	Adam Ballard	Correa, Lindsay@DeltaCouncil	Bob Hosea ; dzezulak@dfg.ca.gov; Hildegarde Spautz ; Joshua Grover

M	M003089	M003087 - M003091	03/29/2012	Attachment: Preliminary Draft - Science Needs for the Delta Plan, Chapter 5 &6			
M	M003092	M003092 - M003111	03/29/2012	RE: Meeting with Martha Davis at Delta Stewardship Council	Spanos, Katherine	Nancy ; McCready, Chris ; Khan, Abdul Q ; Alemi, Manucher ; Smith, Greg ; Kenner, Spencer ; McManus, Dan ; Scruggs, Mary ; Guivetchi, Kamyar ; Brostrom, Peter N. ; Morgan, Scott ; Davis, Martha@Delta Council ; Martha Davis ; Coolidge, Keith@DeltaCouncil ; Bagheban, Sean ; Sandronsky, Vera	
M	M003093	M003092 - M003111	03/29/2012	Attachment: TABLE Z. COMPARISON OF FIFTH STAFF DRAFT TO PRELIMINARY SIXTH STAFF DRAFT POLICIES AND RECOMMENDATIONS			
M	M003112		03/29/2012	RE: Meeting with Martha Davis at Delta Stewardship Council	Spanos, Katherine	Nancy ; McCready, Chris ; Khan, Abdul Q ; Alemi, Manucher ; Smith, Greg ; Kenner, Spencer ; McManus, Dan ; Scruggs, Mary ; Guivetchi, Kamyar ; Brostrom, Peter N. ; Morgan, Scott ; Davis, Martha@Delta Council ; Martha Davis ; Coolidge, Keith@DeltaCouncil ; Bagheban, Sean ; Sandronsky, Vera ; Frame, Kent	
M	M003113		03/30/2012	Re: predictability vs. reliability	Martha Davis	Amy.Fowler@ch2m.com; Gwendolyn.Buchholz@CH2M.com; Jeanne.Brantigan@CH2M.com	
M	M003114	M003114 - M003228	04/02/2012	FW: Documents from the latest DSC meeting	Spanos, Katherine	Martha Davis	
M	M003115	M003114 - M003228	04/02/2012	Attachment: Major Comments for the 5 th Staff Draft Delta Plan and Proposed Alternatives for Addressing Comment			

M	M003151	M003114 - M003228	04/02/2012	Attachment: TABLE 3 – COMMENT THEMES AND RECOMMENDATIONS – FIFTH STAFF DRAFT DELTA PLAN			
M	M003210	M003114 - M003228	04/02/2012	Attachment: TABLE 2. COMPARISON OF FIFTH STAFF DRAFT TO PRELIMINARY SIXTH STAFF DRAFT POLICIES AND RECOMMENDATIONS			
M	M003229		04/03/2012	Re: FW: Ag-Urban Coalition letter on Agenda item 8a	Les Grober	Nichol, Eric@DeltaCouncil	
M	M003231		04/03/2012	FW: A question regarding DSC "authority"	Stevens, Chris@DeltaCouncil	Martha Davis	
M	M003233	M003233 - M003234	04/03/2012	FW: More natural flow	Hastings, Lauren@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Martha Davis ; Bradley, Mark@DeltaCouncil ; Harader, Sam@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Brantigan, Jeanne ; Bucholz, Gwendolyn@VENDOR-CH2M	Enright, Chris@DeltaCouncil ; Brand, Marina@DeltaCouncil ; Mueller-Solger, Anke@DeltaCouncil ; Goodwin, Peter@DeltaCouncil
M	M003234	M003233 - M003234	04/03/2012	Attachment: Talking points for “more natural flow”			
M	M003235		04/04/2012	Re: Meeting with Martha Davis at Delta Stewardship Council	Spanos, Katherine	Spanos, Katherine	Martha.Davis@DeltaCouncil.ca.gov; Martha Davis ; Bonds, Chris ; Kenner, Spencer ; McCready, Chris ; Quan, Nancy ; Staton, Kelly
M	M003236		04/04/2012	FW: draft redline of bill	Stevens, Chris@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Johnston, Patrick@Calhealthplans	Grindstaff, Joe@DeltaCouncil ; Dan Siegel ; Christie Vosburg ; Ray, Dan@DeltaCouncil
M	M003240	M003240 - M003244	04/04/2012	FW: draft redline of bill	Stevens, Chris@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Johnston, Patrick@Calhealthplans	Grindstaff, Joe@DeltaCouncil ; Miller, Curtis@DeltaCouncil

M	M003243	M003240 - M003244	04/04/2012	Attachment: Proposed Legislation Review Policy for the Delta Stewardship Council			
M	M003245	M003245 - M003246	04/06/2012	Revised map for Figure 8-1	Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil	
M	M003246	M003245 - M003246	04/06/2012	Attachment: California State Parks' Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh			
M	M003247	M003247 - M003259	04/06/2012	FW: Legacy Community Maps	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	Messer, Cindy@DeltaCouncil
M	M003248	M003247 - M003259	04/06/2012	Attachment: Appendix XYZ Legacy Community Maps			
M	M003260	M003260 - M003261	04/06/2012	Revised delta map	Baldwin, Sara	Ray, Dan@DeltaCouncil	
M	M003261	M003260 - M003261	04/06/2012	Attachment: California State Parks' Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh			
M	M003262		04/06/2012	Sections of the Monterey Plus EIR that might be of interest	Spanos, Katherine	Martha Davis	
M	M003263		04/06/2012	RE: Meeting with Martha Davis on Data recommendations	Spanos, Katherine	Spanos, Katherine ; Alemi, Manucher ; Smith, Greg ; Brostrom, Peter N. ; Frame, Kent ; Guivetchi, Kamyar ; Kenner, Spencer ; McManus, Dan ; Martha Davis	
M	M003264	M003264 - M003298	04/06/2012	FW: checking in about SWP maintenance	Grindstaff, Joe@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Martha Davis ; Nichol, Eric@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil	
M	M003267	M003264 - M003298	04/06/2012	Attachment: State Water Project Strategic Plan, 2011			
M	M003299		04/09/2012	RE: Sections of the Monterey Plus EIR that might be of interest	Spanos, Katherine	Martha Davis	
M	M003301	M003301 - M003306	04/09/2012	Email from Martha Davis to Randy Fiorini	Martha Davis	Randy Fiorini	
M	M003302	M003301 - M003306	04/09/2012	Attachment: Delta Export Predictability Index			

M	M003305	M003301 - M003306	04/09/2012	Attachment: Conceptual Delta Export Predictability Curves			
M	M003306	M003301 - M003306	04/09/2012	Attachment: Delta Export Predictability			
M	M003307	M003307 - M003309	04/09/2012	FW: Revised WR R5_v1.DOC	Martha Davis	chris.stevens@deltacouncil.ca.gov	P. Joseph Grindstaff
M	M003309	M003307 - M003309	04/09/2012	Attachment: Revised WR R5			
M	M003310	M003310 - M003311	04/09/2012	FW: Revised more natural flow write up	Grindstaff, Joe@DeltaCouncil	Martha Davis	
M	M003311	M003310 - M003311	04/09/2012	Attachment: More natural functional flow			
M	M003312	M003312 - M003375	04/09/2012	FW: natural flow	Grindstaff, Joe@DeltaCouncil	Martha Davis	
M	M003313	M003312 - M003375	04/09/2012	Attachment: Appendix 2 Freshwater Inflow to San Francisco Bay Under Natural Conditions			
M	M003374	M003312 - M003375	04/09/2012	Attachment: Figure 6-5 Average Monthly Delta Outflow, Table 6-1			
M	M003376	M003376 - M003379	04/10/2012	is this in the zone	Martha Davis	Barry Nelson	
M	M003377	M003376 - M003379	04/10/2012	Attachment: Delta Export Deliveries Predictability Index, Draft Text Box			
M	M003379	M003376 - M003379	04/10/2012	Attachment: Is this in the Zone			
M	M003380		04/11/2012	Re: WR R5 Language	Randy Fiorini	Martha Davis	Chris Stevens
M	M003381		04/12/2012	Re: Emergency Prep	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M003382	M003382 - M003398	04/12/2012	Additional Bethel Island Info	David.Christophel@CH2M.com	Ray, Dan@DeltaCouncil	
M	M003383	M003382 - M003398	04/12/2012	Attachment: Letter to Delta from water Agency re Comments on the Draft. Delta Plan Program Environmental Impact Report			
M	M003397	M003382 - M003398	04/12/2012	Attachment: Policies for the Bethel Island Area			
M	M003399		04/12/2012	FW: Proposed WR R3 (former WR R5)	Davis, Martha@Delta Council	Messer, Cindy@DeltaCouncil	

M	M003401	M003401 - M003404	04/13/2012	FW: Recirculation of the DEIR	Dillon.Cowan@CH2M.com	Stevens, Chris@DeltaCouncil ; Bucholz, Gwendolyn@VENDOR-CH2M ; James.Andrew@doj.ca.gov; Garber@smwlaw.com; ross@smwlaw.com; Alvarez, Eric@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Kia.Alexander@ch2m.com
M	M003403	M003401 - M003404	04/13/2012	Attachment: Letter to Delta from O'Laughlin & Paris LLP re Recirculation of Draft EIR			
M	M003405	M003405 - M003407	04/16/2012	RE: Bethel Island	David.Christophel@CH2M.com	Ray, Dan@DeltaCouncil	Samsam, Kevan@DeltaCouncil
M	M003407	M003405 - M003407	04/16/2012	Attachment: Figure 1 Bethel Island Boundaries and Land Use			
M	M003408	M003408 - M003411	04/16/2012	FW: Environmental and fishing group letter	Cynthia Koehler	Cynthia Koehler	
M	M003409	M003408 - M003411	04/16/2012	Attachment: American Rivers * Audubon California * Defenders of Wildlife ® Endangered Species Coalition * Environmental Defense Fund ® League of Conservation Voters * Natural Resources Defense Council ® Pacific Coast Federation of Fisherman's Associations * Sierra Club ® The Nature Conservancy, California Chapter			
M	M003412		04/20/2012	RE: CBIA comments to 5th Draft	Ray, Dan@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil	Nichol, Eric@DeltaCouncil ; Messer, Cindy@DeltaCouncil
M	M003415		04/23/2012	RE: Delta Levee Spending Figures	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M003416		04/23/2012	RE: Levee Spending \$	Mirmazaheri, Mike	Nichol, Eric@DeltaCouncil ; Bagheban, Sean	

M	M003418	M003418 - M003420	04/24/2012	FW: EDF Comments re DSC	Cynthia Koehler	Cynthia Koehler	
M	M003419	M003418 - M003420	04/24/2012	Attachment Letter to Daniel Hancock from EDF re Reorganization of the Delta Stewardship Council			
M	M003421		04/25/2012	FW: 6th version of Delta Plan	Stevens, Chris@DeltaCouncil	pjohnston@calhealthplans.com; Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil
M	M003423		04/27/2012	Verified Carbon Standard for Wetlands Restoration and Conservation	Ray, Dan@DeltaCouncil	Hastings, Lauren@DeltaCouncil	
M	M003424		04/27/2012	FW: reasonable and beneficial uses	Pearson, Jessica@DeltaCouncil	Martha Davis	
M	M003425		05/02/2012	RE: DWR revisions to proposed policy	Bagheban, Sean	Nichol, Eric@DeltaCouncil	
M	M003426	M003426 - M003428	05/03/2012	RE: DSC Letter: Flow Objectives Should Advance Coequal Goals	Grindstaff, Joe@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Martha Davis	Enright, Chris@DeltaCouncil
M	M003428	M003426 - M003428	05/03/2012	Attachment: More natural functional flow			
M	M003429		05/04/2012	RE: FLOODSAFE A Framework for Department of Water Resources (DWR) Investments in Delta Integrated Flood Management, Draft V3 DHF and SMB, February 14, 2011	Isenberg, Phil@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M003432		05/09/2012	Further updates to DP Map?	Kia.Alexander@ch2m.com	Ray, Dan@DeltaCouncil	
M	M003434		05/10/2012	FW: Language re PUC and fees for flood and disaster prevention into Chapter 7	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	

M	M003436		05/10/2012	RE: Delta Plan staff report	Martha Davis	Coolidge, Keith@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Lischeske, Carl@Delta Council ; Ryan, John@DeltaCouncil ; Samsam, Kevan@DeltaCouncil ; Bucholz, Gwendolyn@VENDOR-CH2M ; Alvarez, Eric@DeltaCouncil ; DAmbrosio, Angela@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; Bradley, Mark@DeltaCouncil ; Correa, Lindsay@DeltaCouncil ; Miller, Curtis@DeltaCouncil ; Harader, Sam@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; OConnor, Jessica@DeltaCouncil ; jgoconnor71@gmail.com	bradley.water@gmail.com; David.Christophel@CH2M.com
M	M003438		05/11/2012	RE: Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Morton, Khaim	Isenberg, Phil@DeltaCouncil	Martin, Elaine@DeltaCouncil
M	M003439	M003439 - M003445	05/11/2012	Delta Stewardship council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	dpolican@nas.edu; LHelsabeck@nas.edu; golson@audubon.org	Martin, Elaine@DeltaCouncil
M	M003440	M003439 - M003445	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			

M	M003446	M003446 - M003452	05/11/2012	FW: Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	Ann_K_Hunter-Pirtle@ceq.eop.gov	Martin, Elaine@DeltaCouncil
M	M003447	M003446 - M003452	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			
M	M003453	M003453 - M003459	05/11/2012	FW: Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	Sharon.Gonsalves@sen.ca.gov	
M	M003454	M003453 - M003459	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			
M	M003460	M003460 - M003466	05/11/2012	FW: Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	Khaim.Morton@sen.ca.gov	Martin, Elaine@DeltaCouncil
M	M003461	M003460 - M003466	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			
M	M003467	M003467 - M003473	05/11/2012	Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	Nancy Sutley ; mboots@ceq.eop.gov; Ann_K_Hunter/Pirtle@ceq.eop.gov	Martin, Elaine@DeltaCouncil
M	M003468	M003467 - M003473	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			

M	M003474	M003474 - M003480	05/11/2012	Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	John Laird ; Jerry Meral ; mcowin@water.ca.gov; Chuck Bonham ; Nichols, Mary D. @ARB ; Hoppin, Charles@Waterboards ; Howard, Tom@Waterboards	Martin, Elaine@DeltaCouncil ; Kimberly.goncalves@resources.ca.gov; Gerbutavicius, Beth@RESOURCES ; friend@water.ca.gov; jortiz@dfg.ca.gov; Stewart, Shannon@ARB ; smacli@waterboards.ca.gov; Aquino, Nancy@Waterboards
M	M003475	M003474 - M003480	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			
M	M003481	M003481 - M003487	05/11/2012	FW: Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	Senator.Pavley@sen.ca.gov	Martin, Elaine@DeltaCouncil
M	M003482	M003481 - M003487	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			

M	M003488	M003488 - M003494	05/11/2012	Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	gov; Erin.Guerrero@sen.ca.gov; Senator.Evans@senate.ca.gov; Teresa.Schilling@sen.ca.gov; Senator.Fuller@senate.ca.gov; Rocel.Bettencourt@sen.ca.gov; Senator.Kehoe@senate.ca.gov; Linda.Barr@sen.ca.gov; Senator.LaMalfa@senate.ca.gov; Kevin.Eastman@sen.ca.gov; Senator.Lowenthal@senate.ca.gov; Joshua.Tooker@sen.ca.gov; Steve.Mcarthy@sen.ca.gov; Senator.Padilla@sen.ca.gov; Megan.Moret@sen.ca.gov; Senator.Pavely@senate.ca.gov; William.Craven@sen.ca.gov; OConnor, Dennis ; Newsha Ajami PhD ; Newsha.Ajami@sen.ca.gov; Michael.Rubio@sen.ca.gov; Cori.Ayala@sen.ca.gov; Senator.Simitian@senate.ca.gov;	Martin, Elaine@DeltaCouncil
M	M003489	M003488 - M003494	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			
M	M003495	M003495 - M003501	05/11/2012	Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	Senator.Dutton@senate.ca.gov; Michelle.Clarke@sen.ca.gov	Martin, Elaine@DeltaCouncil
M	M003496	M003495 - M003501	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			

M	M003502	M003502 - M003508	05/11/2012	Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	Senator.Steinberg@sen.ca.gov; Lipper, Kip	Martin, Elaine@DeltaCouncil
M	M003503	M003502 - M003508	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			
M	M003509	M003509 - M003515	05/11/2012	FW: Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Halderman@assembly.ca.gov; Jaspreet.Johl@asm.ca.gov; Assemblymember.Hernandez@assembly.ca.gov; Assemblymember.Nielsen@assembly.ca.gov; Assemblymember.Solorio@assembly.ca.gov	Martin, Elaine@DeltaCouncil
M	M003510	M003509 - M003515	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			
M	M003516	M003516 - M003522	05/11/2012	FW: Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Conway@assembly.ca.gov	Martin, Elaine@DeltaCouncil
M	M003517	M003516 - M003522	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			
M	M003523	M003523 - M003529	05/11/2012	Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	Assemblymember.john.perez@assembly.ca.gov; Sara.Ramirez@asm.ca.gov	Martin, Elaine@DeltaCouncil
M	M003524	M003523 - M003529	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			

M	M003530	M003530 - M003536	05/11/2012	Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	Assemblymember.Conway@assembly.ca.gov; Leigh.Carter@asm.ca.gov	Martin, Elaine@DeltaCouncil
M	M003531	M003530 - M003536	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			
M	M003537	M003537 - M003543	05/11/2012	Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the Council	Isenberg, Phil@DeltaCouncil	ill@assembly.ca.gov; Evan.Oneto@asm.ca.gov; Assemblymember.blumenfeld@assembly.ca.gov; Bridget.Kolakosky@asm.ca.gov; Assemblymember.Butler@assembly.ca.gov; Peter.Hartnett@asm.ca.gov; Assemblymember.Campos@assembly.ca.gov; Jasprett.Johl@asm.ca.gov; Howard.Quan@asm.ca.gov; Assemblymember.Gatto@assembly.ca.gov; Katerina.Robinson@asm.ca.gov; Assemblymember.Gordon@assembly.ca.gov; Lucas.Frerichs@asm.ca.gov; Chris.Holtz@asm.ca.gov; Assemblymember.Halderman@asm.ca.gov; Kirstin.Miller@asm.ca.gov; Assemblymember.Hernandez@asm.ca.gov; MaryJune.flores@asm.ca.gov; Assemblymember.Huffman@assembly.ca.gov;	Martin, Elaine@DeltaCouncil
M	M003538	M003537 - M003543	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			

M	M003544	M003544 - M003550	05/11/2012	Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the council	Isenberg, Phil@DeltaCouncil	Christopher.Garland@ltg.ca.gov; Kevin.Schmidt@ltg.ca.gov	Martin, Elaine@DeltaCouncil
M	M003545	M003544 - M003550	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			
M	M003551	M003551 - M003557	05/11/2012	Delta Stewardship Council alert: Final Staff Draft of the Delta Plan coming on Monday; personnel changes at the council	Isenberg, Phil@DeltaCouncil	Nancy.McFadden@gov.ca.gov; Cliff Rechtschaffen ; Ken.Alex@gov.va.gov	Martin, Elaine@DeltaCouncil
M	M003552	M003551 - M003557	05/11/2012	Attachment: Memo re Final Staff Draft of the Delta Plan coming on Monday and personnel changes at the Council			
M	M003558		05/16/2012	Re: Question on BDCP and their modeling impacts of Climate Change	summerhillfarmpv@aol.com	Grindstaff, Joe@DeltaCouncil ; Isenberg, Phil@DeltaCouncil	
M	M003561		05/16/2012	Question on BDCP and their modeling impacts of Climate Change	summerhillfarmpv@aol.com	Grindstaff, Joe@DeltaCouncil ; Isenberg, Phil@DeltaCouncil	
M	M003563		05/17/2012	RE: any problems here?	Pearson, Jessica@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M003564	M003564 - M003566	05/21/2012	RE: Adaptive Management Section	Correa, Lindsay@DeltaCouncil	Adam Ballard	
M	M003566	M003564 - M003566	05/21/2012	Attachment: Circular chart on Evaluate and respond, plan , do. adaptive management framework			
M	M003567	M003567 - M003577	05/22/2012	FW: Comments on Chapter 7 of Sixth Staff Draft	Grindstaff, Joe@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Ray, Dan@DeltaCouncil	
M	M003569	M003567 - M003577	05/22/2012	Attachment: Letter to Phillip Isenberg from Robert Pyke			
M	M003571	M003567 - M003577	05/22/2012	Attachment: Robert Pyke Comments on Chapter 7 of Sixth Staff Draft			

M	M003578	M003578 - M003606	05/22/2012	RE: Adaptive Management Section	Correa, Lindsay@DeltaCouncil	Adam Ballard	
M	M003580	M003578 - M003606	05/22/2012	Attachment: SECTION 4: Adaptive Management Framework for Implementation of the Ecosystem Restoration Program			
M	M003607		05/24/2012	Re: responses to Barry Nelson's Delta Plan comments this afternoon	Ray, Dan@DeltaCouncil	Hastings, Lauren@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Martha Davis	Harader, Sam@DeltaCouncil ; Enright, Chris@DeltaCouncil ; Goodwin, Peter@DeltaCouncil ; Mueller-Solger, Anke@DeltaCouncil
M	M003609		05/24/2012	Fw: Transfer language	Martha Davis	chris.stevens@deltacouncil.ca.gov	
M	M003610		05/29/2012	Presentations to DPC + Yolo County Boards	Ray, Dan@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Messer, Cindy@DeltaCouncil	Isenberg, Phil@DeltaCouncil
M	M003612		05/29/2012	RE: meeting suggestion	Isenberg, Phil@DeltaCouncil	Thomas, Ted	
M	M003614		05/30/2012	CVFPP	Nichol, Eric@DeltaCouncil	Ray, Dan@DeltaCouncil	Lischeske, Carl@Delta Council ; Messer, Cindy@DeltaCouncil
M	M003616		05/31/2012	DWR Land Use Subcommittee Meeting	Smith, Tim	Nichol, Eric@DeltaCouncil	Messer, Cindy@DeltaConservancy
M	M003620	M003620 - M003622	05/31/2012	FW: Coordination in support of the Delta Plan - Restoration Actions	Hastings, Lauren@DeltaCouncil	Martha Davis ; Lischeske, Carl@Delta Council	
M	M003621	M003620 - M003622	05/31/2012	Attachment: Near-Term Restoration Actions			
M	M003623		06/03/2012	RE: Request for Telephone Conference	Joshua M. Horowitz	Davis, Martha@Delta Council ; Martha Davis	
M	M003627		06/04/2012	RE: Transfer language	Spanos, Katherine	Martha Davis	
M	M003629		06/04/2012	RE: Transfer language	Spanos, Katherine	Martha Davis	
M	M003630		06/04/2012	RE: draft language on water transfers	Spanos, Katherine	Martha Davis	
M	M003631		06/04/2012	RE: Request for Telephone Conference	Joshua M. Horowitz	Martha Davis	
M	M003636		06/05/2012	RE: Request for Telephone Conference	Spanos, Katherine	Joshua M. Horowitz	Martha Davis ; Kenner, Spencer ; Spencer, Curt
M	M003642		06/05/2012	RE: Request for Telephone Conference	Joshua M. Horowitz	Spanos, Katherine	Martha Davis ; Kenner, Spencer ; Spencer, Curt

M	M003648		06/05/2012	RE: Request for Telephone Conference	Joshua M. Horowitz	Martha Davis	
M	M003653	M003653 - M003679	06/05/2012	FW: CALFED End of Stage 1 Report	Cynthia Koehler	Martha Davis	
M	M003655	M003653 - M003679	06/05/2012	Attachment: CALFED Bay-Delta Program Program Performance Assessment Executive Summary Final Draft as of June 20, 2007			
M	M003680		06/07/2012	RE: Delta Floodways	Marino, Len	Nichol, Eric@DeltaCouncil	Lemon, Gary
M	M003682		06/07/2012	RE: Delta Floodways	Marino, Len	Nichol, Eric@DeltaCouncil	
M	M003684		06/07/2012	RE: Flood policy revisions RR P3&4	Grindstaff, Joe@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M003687		06/07/2012	RE: Revision to WQ R5	Pearson, Jessica@DeltaCouncil	Bradley, Mark@DeltaCouncil	Lischeske, Carl@Delta Council ; Messer, Cindy@DeltaCouncil ; Harader, Sam@DeltaCouncil ; David.Christophel@CH2M.com
M	M003689		06/07/2012	RE: question	Lischeske, Carl@Delta Council	Pearson, Jessica@DeltaCouncil ; Bucholz, Gwendolyn@VENDOR-CH2M ; Enright, Chris@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Brand, Marina@DeltaCouncil ; Harader, Sam@DeltaCouncil ; David.Christophel@CH2M.com
M	M003692		06/07/2012	RE: one of the issues we heard yesterday in the NGO briefing - FYI	Grindstaff, Joe@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Nichol, Eric@DeltaCouncil	Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Martha Davis
M	M003694	M003694 - M003699	06/07/2012	FW: Ag-Urban Coalition Issues Paper	Grindstaff, Joe@DeltaCouncil	Martha Davis ; Pearson, Jessica@DeltaCouncil	Ray, Dan@DeltaCouncil
M	M003695	M003694 - M003699	06/07/2012	Attachment: Memo re Sixth Draft Staff Delta Plan – Key Issues			
M	M003700		06/07/2012	Re: Council review of 6th Draft	Randy Fiorini	Grindstaff, Joe@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Fiorini, Randy ; Pearson, Jessica@DeltaCouncil
M	M003702	M003702 - M003707	06/11/2012	brief summary of council briefings plus acwa and ngos from last week	Pearson, Jessica@DeltaCouncil	Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; mdavis@ieua.org; Stevens, Chris@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Coolidge, Keith@DeltaCouncil
M	M003703	M003702 - M003707	06/11/2012	Attachment: Memo re Sixth Draft Staff Delta Plan – Key Issues			

M	M003708	M003708 - M003710	06/11/2012	SAMPLE LTR 6th Draft DSC Delta Plan 061112.docx	Grindstaff, Joe@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Martha Davis	
M	M003709	M003708 - M003710	06/11/2012	Attachment: Sample Letter			
M	M003711		06/12/2012	RE: Final Version/Delta Plan floodway/floodplain policies	Marino, Len	Nichol, Eric@DeltaCouncil	
M	M003713		06/12/2012	RE: Comments to Chapter 7 of the Sixth Draft Delta Plan	Kia.Alexander@ch2m.com	Messer, Cindy@DeltaCouncil	Pearson, Jessica@DeltaCouncil
M	M003715	M003715 - M003718	06/12/2012	Contra Costa County comment letter on Sixth Staff Draft Delta Plan	John Greitzer	Delta Council Delta Plan Comments	Kristin McCleery ; Patrick Roche ; Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil
M	M003716	M003715 - M003718	06/12/2012	Attachment: Letter to Delta from Water Agency re comments on 6th and final staff draft delta plan			
M	M003719	M003719 - M003835	06/12/2012	FW: Letter re Review of the Fishery Agency Salmon Protection Efforts	Grindstaff, Joe@DeltaCouncil	Hastings, Lauren@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Lischeske, Carl@Delta Council	
M	M003720	M003719 - M003835	06/12/2012	Attachment: A Review and Comparison of Agency Restoration Strategies and Actions for Central Valley Listed Salmonids			
M	M003833	M003719 - M003835	06/12/2012	Attachment Letter re Review of the Fishery Agency Salmon Protection Efforts			
M	M003836	M003836 - M003853	06/12/2012	Comments	John Mills	Martha Davis	Martha Davis
M	M003837	M003836 - M003853	06/12/2012	Attachment: Draft DSC Staff Plan V6 comments, June 12, 2012			
M	M003854	M003854 - M003892	06/13/2012	NRDC, TBI and Defenders Recommendations Sixth Draft Delta Plan 6-8- 12.doc	Nelson, Barry	Isenberg, Phil@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Davis, Martha@Delta Council ; Messer, Cindy@DeltaCouncil ; Pearson, Jessica@DeltaCouncil	

M	M003855	M003854 - M003892	06/13/2012	Attachment: Letter to Phillip Isenberg re Comments on the Sixth Draft Delta Plan			
M	M003863	M003854 - M003892	06/13/2012	Attachment: EXHIBIT TBI-1 BEFORE THE STATE WATER RESOURCES CONTROL BOARD			
M	M003893		06/13/2012	RE: TNC Comments on Final Staff Draft Delta Plan	Kia.Alexander@ch2m.com	Messer, Cindy@DeltaCouncil	
M	M003894		06/13/2012	RE: NRDC, TBI and Defenders Recommendations Sixth Draft Delta Plan 6-8-12.doc	Kia.Alexander@ch2m.com	Messer, Cindy@DeltaCouncil	
M	M003895		06/13/2012	RE: SJTA Comments: Sixth Staff Draft Delta Plan	Kia.Alexander@ch2m.com	Messer, Cindy@DeltaCouncil	
M	M003896	M003896 - M003902	06/13/2012	Comment Letter on Sixth Draft Delta Plan -- Administrative Exemption for Temporary Water Transfers	Joshua M. Horowitz	Martha Davis ; Davis, Martha@Delta Council	Mark Rentz ; Walter@bvid.org; Cindy Kao ; Dustin Cooper ; Crothers, Cathy ; Spanos, Katherine ; Spencer, Curt ; Quan, Nancy ; Ryan S. Bezerra
M	M003897	M003896 - M003902	06/13/2012	Attachment: Memo re Proposal to Revise Exemption for One-Year Water Transfers in Sixth Draft Delta Plan to Ensure Consistency with Delta Council's Policy to Promote Water Transfe			
M	M003903	M003903 - M003904	06/13/2012	FW: excerpt from sfcwa cmts	Grindstaff, Joe@DeltaCouncil	Martha Davis	
M	M003904	M003903 - M003904	06/13/2012	Attachment: WR P1 edits draft			
M	M003905	M003905 - M003908	06/14/2012	RE: TNC Comments on Final Staff Draft Delta Plan	Leo Winternitz	Messer, Cindy@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Maurice Hall ; Jay Ziegler ; Jeanne Brantigan ; Tatayon, Susan ; Deborah Wordham
M	M003906	M003905 - M003908	06/14/2012	Attachment: Letter to Phil Isenberg from The Nature Conservancy re Comments of Final Staff Draft			

M	M003909		06/14/2012	RE: Contra Costa County comment letter on Sixth Staff Draft Delta Plan	John Greitzer	Messer, Cindy@DeltaCouncil	
M	M003911	M003911 - M003915	06/15/2012	FW: Comments to Chapter 7 of the Sixth Draft Delta Plan	Mierzwa, Michael	Nichol, Eric@DeltaCouncil	Bagheban, Sean ; Paasch, John L.
M	M003913	M003911 - M003915	06/15/2012	Attachment: Letter toPhillip Isenberg from MBK re Comments on the 6th Draft Delta Plan			
M	M003916	M003916 - M003921	06/15/2012	follow up re performance targets	Gary Bobker	Grindstaff, Joe@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Goodwin, Peter@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Jon Rosenfield Ph.D. ; Wilcox, Carl@DFG
M	M003917	M003916 - M003921	06/15/2012	Attachment: ADDRESSING PERFORMANCE METRICS IN THE 2012 DELTA PLAN			
M	M003919	M003916 - M003921	06/15/2012	Attachment: Chapter 4 Targets Table, Salmonid Objectives			
M	M003922		06/15/2012	RE: Request for Telephone Conference	Spanos, Katherine	Martha Davis	
M	M003926		06/18/2012	RE: DSC Meeting takewaays-CH7	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M003928		06/18/2012	RE: now about this "holistic and sustainable" stuff.....	Hoffman-Floerke, Dale	Isenberg, Phil@DeltaCouncil	
M	M003930		06/19/2012	RE: Did central Delta water agency not submit comments... if so they are not on the web.	Gwendolyn.Buchholz@CH2M.com	Pearson, Jessica@DeltaCouncil ; David.Christophel@CH2M.com; Messer, Cindy@DeltaCouncil ; Kia.Alexander@ch2m.com	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil
M	M003932		06/19/2012	FW: outstanding delta plan/dfg issues	Stevens, Chris@DeltaCouncil	Pearson, Jessica@DeltaCouncil	
M	M003936		06/19/2012	Re: Friday at 2pm	Ryan S. Bezerra	David Guy	Martha Davis
M	M003937		06/19/2012	Some suggestions on WR P1	Paul Helliker	joe.grindstaff@deltacouncil.ca.gov; phil.isenberg@deltacouncil.ca.gov; Randy Fiorini ; Martha Davis	
M	M003938	M003938 - M004019	06/19/2012	Delta Plan Edits -- Select Chapters	Cynthia Koehler	Martha Davis	
M	M003940	M003938 - M004019	06/19/2012	Attachment: Chapter 1 Introduction			

M	M003963	M003938 - M004019	06/19/2012	Attachment: Slide of Winter Run Central Valley Chinook Salmon Escapement (In-river spawning)			
M	M003964	M003938 - M004019	06/19/2012	Attachment: Slide Delta Exports and ListingsSource Combined State and Federal Exports Before and After Endangered Species Act Listing			
M	M003965	M003938 - M004019	06/19/2012	Attachment: Slide Diversions within and From the Delta since construction of the Central Valley Project			
M	M003966	M003938 - M004019	06/19/2012	Attachment: Slide Spring Run Central Valley Chinook Salmon Escapement			
M	M003967	M003938 - M004019	06/19/2012	Attachment: Chapter 3 A More Reliable Water Supply for California			
M	M004012	M003938 - M004019	06/19/2012	Attachment: Slide Southern California Urban Water Use			
M	M004013	M003938 - M004019	06/19/2012	Attachment: Slide CA Agricultural Water			
M	M004014	M003938 - M004019	06/19/2012	Attachment: Slide Agriculture and Economy			
M	M004015	M003938 - M004019	06/19/2012	Attachment: Slide California Has A Lot of Water			
M	M004016	M003938 - M004019	06/19/2012	Attachment: Slide CVP & SWP in Context			
M	M004017	M003938 - M004019	06/19/2012	Attachment: Delta Plan 3rd Comments			
M	M004020		06/19/2012	Some suggestions on WR P1	Paul Helliker	Grindstaff, Joe@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Fiorini, Randy ; mdavis@ieua.org	
M	M004021	M004021 - M004035	06/20/2012	FW: DWR Specific Comments on DSC Final Staff Draft (dated May 14, 2012)	Grindstaff, Joe@DeltaCouncil	Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Messer, Cindy@DeltaCouncil	Alexander, Kia@DeltaCouncil

M	M004022	M004021 - M004035	06/20/2012	Attachment: Memo re DWR General Comments on the Final Staff Draft of the Delta Plan (Dated May 14, 2012)			
M	M004036	M004036 - M004050	06/20/2012	Sorry I got sidetracked. Here it is.	Spanos, Katherine	Martha Davis	
M	M004037	M004036 - M004050	06/20/2012	Attachment: Memo re DWR General Comments on the Final Staff Draft of the Delta Plan (Dated May 14, 2012)			
M	M004051		06/20/2012	FW: Proposed Revised One-Year Water Transfer Exemption in Delta Plan	Martha Davis	Stevens, Chris@DeltaCouncil	
M	M004054		06/20/2012	Fw: Proposed Revised One-Year Water Transfer Exemption in Delta Plan	Martha Davis	chris.stevens@deltacouncil.ca.gov	
M	M004057		06/20/2012	RE: Proposed Revised One-Year Water Transfer Exemption in Delta Plan	Joshua M. Horowitz	Martha Davis ; Davis, Martha@Delta Council	Walter@bvid.org; Cindy Kao ; Dustin Cooper ; Crothers, Cathy ; Spanos, Katherine ; Spencer, Curt ; Ryan S. Bezerra
M	M004060		06/20/2012	Proposed Revised One-Year Water Transfer Exemption in Delta Plan	Joshua M. Horowitz	Martha Davis ; Davis, Martha@Delta Council	Walter@bvid.org; Cindy Kao ; Dustin Cooper ; Crothers, Cathy ; Spanos, Katherine ; Spencer, Curt ; Ryan S. Bezerra
M	M004062	M004062 - M004067	06/20/2012	Exec Summary	Cynthia Koehler	Martha Davis	
M	M004063	M004062 - M004067	06/20/2012	Attachment: Executive Summary			
M	M004068		06/20/2012	RE: Mojave Water Agency/Ed Manning, KP Public Affairs RE: Reduce alliance on Delta Plan Language **REMINDER**	Carmela McHenry	Grindstaff, Joe@DeltaCouncil ; Martha Davis	Davis, Martha@Delta Council
M	M004069		06/21/2012	RE: USACE Delta News - Issue 75 (UNCLASSIFIED)	Ray, Dan@DeltaCouncil	Lischeske, Carl@Delta Council ; Messer, Cindy@DeltaCouncil	
M	M004071	M004071 - M004080	06/21/2012	FW: USACE Delta News - Issue 75 (UNCLASSIFIED)	Ray, Dan@DeltaCouncil	Lischeske, Carl@Delta Council ; Messer, Cindy@DeltaCouncil	
M	M004073	M004071 - M004080	06/21/2012	Attachment: Delta News Issue 75			
M	M004081		06/22/2012	FW: Delta Plan Comments	Grindstaff, Joe@DeltaCouncil	Ray, Dan@DeltaCouncil ; Nichol, Eric@DeltaCouncil	
M	M004084		06/22/2012	Mountain House Population	Samsam, Kevan@DeltaCouncil	Ray, Dan@DeltaCouncil	Lischeske, Carl@Delta Council

M	M004085	M004085 - M004086	06/22/2012	Example from today's conversation	Mark Rentz	Joe Grindstaff ; Martha Davis	
M	M004086	M004085 - M004086	06/22/2012	Attachment: Urban Setting Hypothetical			
M	M004087		06/22/2012	Fwd: ACWA Regulatory Summit on August 15, 2012 in Sonoma Wine	Mark Rentz	Martha Davis	
M	M004089	M004089 - M004092	06/25/2012	ER R4 Potential Problem	Gwendolyn.Buchholz@CH2M.com	Pearson, Jessica@DeltaCouncil ; Messer, Cindy@DeltaCouncil	David.Christophel@CH2M.com; Bucholz, Gwendolyn@VENDOR-CH2M
M	M004090	M004089 - M004092	06/25/2012	Attachment: Chapter 4 Protect, restore, and Enhance the Delta Ecosystem			
M	M004091	M004089 - M004092	06/25/2012	Attachment: Suisun Marsh Habitat Management, Preservation, and Restoration Plan Final EIS/EIR			
M	M004093		06/25/2012	In Response to Chairman's request for proposed language	Greg Zlotnick	Grindstaff, Joe@DeltaCouncil ; Messer, Cindy@DeltaCouncil	gzlotnick@h2oesq.com; Brenda Burman
M	M004095	M004095 - M004098	06/25/2012	Delta Plan - 85021	Ryan S. Bezerra	Martha Davis	dguy@norcalwater.org; John Woodling
M	M004096	M004095 - M004098	06/25/2012	Attachment: Delta Plan Edits			
M	M004099	M004099 - M004101	06/25/2012	Predictability	Randy Fiorini	cynthia@carpediemwest.org	Joe Grindstaff ; Jessica Pearson ; Martha Davis
M	M004100	M004099 - M004101	06/25/2012	Attachment: Predictability, June 25, 2012			
M	M004102		06/25/2012	RE: Predictability language	Pearson, Jessica@DeltaCouncil	Martha Davis ; Fiorini, Randy ; Grindstaff, Joe@DeltaCouncil	
M	M004104		06/25/2012	for your eyes - wrp1	Martha Davis	Barry Nelson	
M	M004105	M004105 - M004106	06/25/2012	WRP1 -- for your eyes	Martha Davis	daledjem@downeybrand.com	
M	M004106	M004105 - M004106	06/25/2012	Attachment: Proposed Revisions WR P1 Reduce Reliance on the Delta and Improve Regional Self-Reliance			
M	M004107		06/25/2012	RE: Staff report for BDCP - For your review	Grindstaff, Joe@DeltaCouncil	DAmbrosio, Angela@DeltaCouncil ; Isenberg, Phil@DeltaCouncil	
M	M004113	M004113 - M004114	06/26/2012	Rio Vista Map	Westhoff, Alex@DPC	Ray, Dan@DeltaCouncil	
M	M004114	M004113 - M004114	06/26/2012	Attachment: Delta Protection Zones: Rio Vista			

M	M004115	M004115 - M004137	06/26/2012	RE: could someone email me the options when ready?	John Greitzer	Messer, Cindy@DeltaCouncil	
M	M004118	M004115 - M004137	06/26/2012	Attachment: Winmail.dat			
M	M004138	M004138 - M004139	06/26/2012	draft wrp1 language	Martha Davis	Davis Guy ; rsb@bkslawfirm.com	
M	M004139	M004138 - M004139	06/26/2012	Attachment: Proposed Revisions *WR P1 Reduce Reliance on the Delta and Improve Regional Self-Reliance			
M	M004140	M004140 - M004142	06/27/2012	RE: letter on Bethel Island legacy community issue	John Greitzer	Messer, Cindy@DeltaCouncil	
M	M004142	M004140 - M004142	06/27/2012	Attachment: Letter on Bethel Island Legacy Community Issue			
M	M004143	M004143 - M004144	06/27/2012	letter on Bethel Island legacy community issue	John Greitzer	Delta Council Delta Plan Comments	Mary Piepho ; Karen Mitchoff ; Cliff Glickman ; karen.basting@bos.cccounty.us; nottolid@saccounty.net; Thomas, Don@saccounty ; Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; steven.goetz@dcd.cccounty.us
M	M004144	M004143 - M004144	06/27/2012	Attachment: Letter to Delta re Bethel Island Decision June 27, 2012			
M	M004145		06/27/2012	RE: could someone email me the options when ready?	John Greitzer	Messer, Cindy@DeltaCouncil	Ray, Dan@DeltaCouncil
M	M004146		06/27/2012	RE: Comments from SFCWA that need to be posted	Gwendolyn.Buchholz@CH2M.com	Messer, Cindy@DeltaCouncil ; Kia.Alexander@ch2m.com	
M	M004149	M004149 - M004151	06/27/2012	SFWCA comments on flood policies	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	Lischeske, Carl@Delta Council ; Messer, Cindy@DeltaCouncil
M	M004150	M004149 - M004151	06/27/2012	Attachment: Email to Joe Grindstaff from Greg Zlotnick re In Response to Chairman's request for proposed language			
M	M004152	M004152 - M004154	06/27/2012	FW: Ag-Urban Coalition proposed changes to WR P1	Martha Davis	Barry Nelson ; Gary Bobker	

M	M004154	M004152 - M004154	06/27/2012	Attachment: WR P1: Reduce Reliance on the Delta and Improve Regional Self-Reliance			
M	M004155	M004155 - M004158	06/27/2012	Fw: Delta Plan - 85021	Martha Davis	joe.grindstaff@deltacouncil.ca.gov	
M	M004156	M004155 - M004158	06/27/2012	Attachment: Delta Plan Edits			
M	M004159		06/27/2012	Re: Ag-Urban Coalition proposed changes to WR P1	Gloria Gray	Martha Davis	
M	M004161		06/27/2012	FW: In Response to Chairman's request for proposed language	Pearson, Jessica@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; mdavis@ieua.org; Grindstaff, Joe@DeltaCouncil	
M	M004163		06/28/2012	RE: Support for ACWA Ag-Urban WR P1 Alternative	Gwendolyn.Buchholz@CH2M.com	Messer, Cindy@DeltaCouncil ; Kia.Alexander@ch2m.com; David.Christophel@CH2M.com	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil
M	M004165	M004165 - M004169	06/28/2012	Re: FW: Ag-Urban Coalition proposed changes to WR P1	Gary Bobker	Nelson, Barry@nrdc.org ; bobker@bay.org; mdavis@ieua.org	Johnston, Patrick@Calhealthplans ; jgrindst@calwater.ca.gov; Messer, Cindy@DeltaCouncil
M	M004167	M004165 - M004169	06/28/2012	Attachment: The Coequal Goals and Reducing Reliance on the Delta 1			
M	M004170		06/28/2012	RE: FW: Ag-Urban Coalition proposed changes to WR P1	Patrick Johnston	Gary Bobker ; bnelson@nrdc.org; bobker@bay.org; Martha Davis	jgrindst@calwater.ca.gov; Cindy Messer
M	M004172	M004172 - M004176	06/28/2012	Re: FW: Ag-Urban Coalition proposed changes to WR P1	Gary Bobker	Barry Nelson	pjohnston@calhealthplans.org; jgrindst@calwater.ca.gov; Cindy Messer
M	M004174	M004172 - M004176	06/28/2012	Attachment: The Coequal Goals and Reducing Reliance on the Delta 1			
M	M004177		06/29/2012	Attachment: Email to Phil Isenberg from Gary Bobker	Gary Bobker	Isenberg, Phil@DeltaCouncil ; Fiorini, Randy ; Johnston, Patrick@Calhealthplans	
M	M004178		07/02/2012	meeting with Delta Stewardship Council staff	John Greitzer	Mary.Piepho	Alison.Olsen@bos.cccounty.us; Messer, Cindy@DeltaCouncil ; Ray, Dan@DeltaCouncil
M	M004179	M004179 - M004180	07/02/2012	Re: Bethel Island	John Greitzer	Messer, Cindy@DeltaCouncil	

M	M004180	M004179 - M004180	07/02/2012	Attachment: Bethel Island			
M	M004181		07/03/2012	RE: SRCSD Comments on Water Quality Policy	Brennan. Vicki (SDA)	Messer, Cindy@DeltaCouncil	
M	M004183	M004183 - M004186	07/03/2012	RE: Seeking flood story	Lischeske, Carl@Delta Council	Messer, Cindy@DeltaCouncil	Alvarez, Eric@DeltaCouncil
M	M004184	M004183 - M004186	07/03/2012	Attachment: Floods of 1972			
M	M004187	M004187 - M004204	07/05/2012	Basis for Development of the Walnut Grove Boundary for Final Staff Draft Delta Plan	Gwendolyn.Buchholz@CH2M.com	Ray, Dan@DeltaCouncil	David.Christophel@CH2M.com; Kia.Alexander@ch2m.com
M	M004188	M004187 - M004204	07/05/2012	Attachment: Sacramento County General Plan of 2005-2030 Amended November 9, 2011			
M	M004205	M004205 - M004207	07/05/2012	RE: Bethel Island	John Greitzer	Messer, Cindy@DeltaCouncil	
M	M004207	M004205 - M004207	07/05/2012	Attachment: Bethel Island			
M	M004208		07/05/2012	RE: Seeking flood story	Lischeske, Carl@Delta Council	Ray, Dan@DeltaCouncil	
M	M004211	M004211 - M004212	07/05/2012	RE: Transfer exemption	Ryan S. Bezerra	Martha Davis	
M	M004212	M004211 - M004212	07/05/2012	Attachment: Delta Plan Covered Action Exemption for One-Year Water Transfers			
M	M004213	M004213 - M004215	07/05/2012	FW: Transfer exemption	Martha Davis	P. Joseph Grindstaff	
M	M004215	M004213 - M004215	07/05/2012	Attachment: Delta Plan Covered Action Exemption for One-Year Water Transfers			
M	M004216	M004216 - M004217	07/05/2012	Fw: Alternative WR P1 language	Grindstaff, Joe@DeltaCouncil	Martha Davis	
M	M004217	M004216 - M004217	07/05/2012	Attachment: Draft WR P1 Reduce Reliance on the Delta and Improve regional Self-Reliance			
M	M004218		07/06/2012	RE: Conference call today at 3:30 to discuss Bethel Island?	John Greitzer	Messer, Cindy@DeltaCouncil	Ray, Dan@DeltaCouncil
M	M004219	M004219 - M004228	07/06/2012	Re: Conference call today at 3:30 to discuss Bethel Island?	John Greitzer	Messer, Cindy@DeltaCouncil	Ray, Dan@DeltaCouncil
M	M004220	M004219 - M004228	07/06/2012	Attachment: Winmail.dat			
M	M004229		07/06/2012	RE: Transfer exemption	Ryan S. Bezerra	Martha Davis	
M	M004231		07/06/2012	RE: wrp1 draft language	Patrick Johnston	Grindstaff, Joe@DeltaCouncil ; Randy Fiorini	Martha Davis ; Fiorini, Randy

M	M004233		07/06/2012	RE: wrp1 draft language	Patrick Johnston	Grindstaff, Joe@DeltaCouncil ; Randy Fiorini	Martha Davis ; Fiorini, Randy
M	M004235		07/06/2012	Fw: Critical language	Grindstaff, Joe@DeltaCouncil	Martha Davis	
M	M004236		07/06/2012	FW: WR-P1-reduced reliance on the Delta policy, Gloria Gray	Grindstaff, Joe@DeltaCouncil	Martha Davis	
M	M004237		07/06/2012	RE: wrp1 draft language	Grindstaff, Joe@DeltaCouncil	Randy Fiorini	Martha Davis ; Johnston, Patrick@Calhealthplans ; Fiorini, Randy
M	M004238		07/09/2012	RE: Agenda for 7/10 Levees Meeting	Grindstaff, Joe@DeltaCouncil	Nichol, Eric@DeltaCouncil	Ray, Dan@DeltaCouncil
M	M004241	M004241 - M004244	07/09/2012	info on Bethel Island development policies	John Greitzer	Messer, Cindy@DeltaCouncil	
M	M004242	M004241 - M004244	07/09/2012	Attachment: general plan, transportation, policies			
M	M004245	M004245 - M004343	07/09/2012	FW: Brannan-Andrus Island/Isleton Flood of June 21, 1972	David.Christophel@CH2M.com	Messer, Cindy@DeltaCouncil	Lischeske, Carl@Delta Council ; Pearson, Jessica@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Bucholz, Gwendolyn@VENDOR-CH2M
M	M004248	M004245 - M004343	07/09/2012	Attachment: Department of Water Resources Bulletin No. 69-72 California High Water 1971-1972			
M	M004322	M004245 - M004343	07/09/2012	Attachment: Sac R Historical Society Vol16 No. 2 , Dec 1996			
M	M004328	M004245 - M004343	07/09/2012	Attachment: Table of Contents			
M	M004336	M004245 - M004343	07/09/2012	Attachment: Draft Selected Litigation Affecting the Delta			
M	M004344		07/09/2012	FW: Agenda for 7/10 Levees Meeting	Nichol, Eric@DeltaCouncil	Lischeske, Carl@Delta Council	
M	M004347		07/09/2012	Re: Code language	Randy Fiorini	Martha Davis	Randy Fiorini ; Joe@DeltaCouncil Grindstaff ; Patrick Johnston ; Jessica Pearson
M	M004349		07/09/2012	Re: Code language	Randy Fiorini	Martha Davis	Randy Fiorini ; Joe@DeltaCouncil Grindstaff ; Patrick Johnston ; Jessica Pearson
M	M004351		07/09/2012	Code language	Randy Fiorini	Martha Davis	Joe@DeltaCouncil Grindstaff ; Patrick Johnston ; Jessica Pearson
M	M004352		07/09/2012	Status of WR P1	Mark Rentz	Martha Davis	

M	M004353		07/09/2012	RE: Code language	Martha Davis	Randy Fiorini	Joe@DeltaCouncil Grindstaff ; Patrick Johnston ; Jessica Pearson
M	M004354		07/09/2012	Is Paul's comment one we will include?	Isenberg, Phil@DeltaCouncil	mdavis@ieua.org	
M	M004355	M004355 - M004358	07/10/2012	RE: info on Bethel Island development policies	John Greitzer	Messer, Cindy@DeltaCouncil	
M	M004358	M004355 - M004358	07/10/2012	Attachment: Info on Bethel Island Development Policies			
M	M004359	M004359 - M004362	07/10/2012	UPDATED RE: Mting RE: About Flood Policy @ office of Don Nottoli	Nichol, Eric@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Lischeske, Carl@Delta Council ; Messer, Cindy@DeltaCouncil ; Melinda Terry ; Machado, Michael@DPC ; Zuckerman, Tom@talavera.us ; Punia, Jay ; Nottoli. Don ; dmraz@water.ca.gov ; Leichty. Pat ; Newton, Gail	Nichol, Eric@DeltaCouncil
M	M004360	M004359 - M004362	07/10/2012	Attachment: Agenda Risk Reduction Policy RR P1: Interim Priorities			
M	M004363		07/10/2012	RE: Levee policy	Nichol, Eric@DeltaCouncil	Ray, Dan@DeltaCouncil	Lischeske, Carl@Delta Council
M	M004366		07/10/2012	Re: Isenberg comment on DWR memo RE: Urban/Ag WMP: reduction on reliance on the Delta	Randy Fiorini	Isenberg, Phil@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Fiorini, Randy ; Martha Davis ; Johnston, Patrick@Calhealthplans ; Messer, Cindy@DeltaCouncil ; Samsam,Kevan@DeltaCouncil ; Miller,Curtis@DeltaCouncil
M	M004368		07/10/2012	Re: proposed WRP1	Randy Fiorini	Martha Davis	mwade@farmwater.org; Randy Fiorini
M	M004369		07/10/2012	RE: Code language	Pearson, Jessica@DeltaCouncil	Martha Davis	
M	M004370	M004370 - M004376	07/10/2012	FW: Urban/Ag WMP: reduction on reliance on the Delta	Pearson, Jessica@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Fiorini, Randy ; Martha Davis ; Johnston, Patrick@Calhealthplans	Messer, Cindy@DeltaCouncil ; Samsam, Kevan@DeltaCouncil ; Miller, Curtis@DeltaCouncil

M	M004371	M004370 - M004376	07/10/2012	Attachment: Draft Water Use Efficiency Actions to Reduce Reliance® on Water Supplies from the Delta			
M	M004377		07/10/2012	Re: proposed WRP1	Mike Wade	Martha Davis	randy@fioriniranch.com
M	M004380		07/10/2012	Re: proposed WRP1	Mike Wade	Martha Davis	Randy Fiorini
M	M004382	M004382 - M004384	07/10/2012	language	John Mills	Martha Davis	
M	M004383	M004382 - M004384	07/10/2012	Attachment: WR P1 Reduce Reliance on the Delta and Improve Regional Self-Reliance			
M	M004385	M004385 - M004391	07/10/2012	FW: Urban/Ag WMP: reduction on reliance on the Delta	Pearson, Jessica@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Fiorini, Randy ; mdavis@ieua.org; Johnston, Patrick@Calhealthplans	Messer, Cindy@DeltaCouncil ; Samsam, Kevan@DeltaCouncil ; Miller, Curtis@DeltaCouncil
M	M004386	M004385 - M004391	07/10/2012	Attachment: Draft Water Use Efficiency Actions to Reduce Reliance® on Water Supplies from the Delta			
M	M004392		07/11/2012	Re: Tomorrows meeting	Randy Fiorini	Pearson, Jessica@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Fiorini, Randy ; Martha Davis ; Johnston, Patrick@Calhealthplans
M	M004394		07/11/2012	Technology helps reduce water supply gap	Randy Fiorini	Joe@DeltaCouncil Grindstaff ; Phil@DeltaCouncil Isenberg ; Jessica Pearson ; Martha Davis	
M	M004395		07/11/2012	Re: proposed WRP1	Mike Wade	Martha Davis	Randy Fiorini
M	M004398		07/11/2012	Re: proposed WRP1	Mike Wade	Martha Davis	
M	M004401		07/11/2012	Re: proposed WRP1	Mike Wade	Martha Davis	Randy Fiorini
M	M004403	M004403 - M004405	07/11/2012	WR P1 tomorrow	Martha Davis	Barry Nelson ; Gary Bobker	
M	M004404	M004403 - M004405	07/11/2012	Attachment: WR P1 Reduce Reliance on the Delta and Improve Regional Self-Reliance Example of How the Policy Would Apply to a Wholesale Water Supplier			

M	M004406	M004406 - M004408	07/11/2012	RE: MWD's proposed language, although they will not acknowledge ownership unless and until the state water contractors approve it	Martha Davis	Randy Fiorini ; Grindstaff, Joe@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Johnston, Patrick@Calhealthplans ; Fiorini, Randy ; Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil
M	M004407	M004406 - M004408	07/11/2012	Attachment: WR P1 Reduce Reliance on the Delta and Improve Regional Self-Reliance Example of How the Policy Would Apply to a Wholesale Water Supplier			
M	M004409		07/11/2012	Isenberg reaction to the MWD/Burman email 'example' RE: dsc wr p1 mwd example 07-11-12.docx	Isenberg, Phil@DeltaCouncil	Randy Fiorini ; Grindstaff, Joe@DeltaCouncil	Martha Davis ; Johnston, Patrick@Calhealthplans ; Fiorini, Randy
M	M004412	M004412 - M004414	07/11/2012	MWD's proposed language, although they will not acknowledge ownership unless and until the state water contractors approve it	Grindstaff, Joe@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Johnston, Patrick@Calhealthplans ; Fiorini, Randy ; Martha Davis	Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil
M	M004413	M004412 - M004414	07/11/2012	Attachment: WR P1 Reduce Reliance on the Delta and Improve Regional Self-Reliance			
M	M004415	M004415 - M004417	07/11/2012	Proposed WRP1 071112 (2).doc	Grindstaff, Joe@DeltaCouncil	Fiorini, Randy ; Pearson, Jessica@DeltaCouncil ; Johnston, Patrick@Calhealthplans ; Martha Davis	Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil
M	M004416	M004415 - M004417	07/11/2012	Attachment: WR P1 Reduce Reliance on the Delta and Improve Regional Self-Reliance			
M	M004418	M004418 - M004420	07/11/2012	FW: WR-P1	Grindstaff, Joe@DeltaCouncil	Martha Davis ; Fiorini, Randy ; Johnston, Patrick@Calhealthplans	
M	M004419	M004418 - M004420	07/11/2012	Attachment: WR P1 Reduce Reliance on the Delta and Improve Regional Self-Reliance			
M	M004421	M004421 - M004423	07/11/2012	FW: dsc wr p1 mwd example 07-11-12.docx	Grindstaff, Joe@DeltaCouncil	Martha Davis ; Isenberg, Phil@DeltaCouncil ; Johnston, Patrick@Calhealthplans ; Fiorini, Randy	

M	M004422	M004421 - M004423	07/11/2012	Attachment: dsc wr p1 mwd example			
M	M004424	M004424 - M004426	07/11/2012	FW: dsc wr p1 mwd example 07-11-12.docx	Grindstaff, Joe@DeltaCouncil	Martha Davis	
M	M004425	M004424 - M004426	07/11/2012	Attachment: dsc wr p1 mwd example			
M	M004427		07/11/2012	Re: dsc wr p1 mwd example 07-11-12.docx	Randy Fiorini	Grindstaff, Joe@DeltaCouncil	mdavis@ieua.org; Isenberg, Phil@DeltaCouncil ; Johnston, Patrick@Calhealthplans ; Fiorini, Randy
M	M004428		07/11/2012	Isenberg reaction to the MWD/Burman email 'example' RE: dsc wr p1 mwd example 07-11- 12.docx	Isenberg, Phil@DeltaCouncil	Randy Fiorini ; Grindstaff, Joe@DeltaCouncil	mdavis@ieua.org; Johnston, Patrick@Calhealthplans ; Fiorini, Randy
M	M004431	M004431 - M004433	07/12/2012	FW: language	Martha Davis	Martha Davis	
M	M004432	M004431 - M004433	07/12/2012	Attachment: WR P1 Reduce Reliance on the Delta and Improve Regional Self-Reliance			
M	M004434	M004434 - M004436	07/12/2012	FW: language	Martha Davis	Martha Davis	
M	M004435	M004434 - M004436	07/12/2012	Attachment: WR P1 Reduce Reliance on the Delta and Improve Regional Self-Reliance			
M	M004437	M004437 - M004444	07/12/2012	FW: Information Request from Chair Isenberg on Reducing Reliance on Delta Water Supplies related to Urban and Agricultural Management Plans	Grindstaff, Joe@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M004438	M004437 - M004444	07/12/2012	Attachment: Memo re Information Request from Chair Isenberg on Reducing Reliance on Delta Water Supplies related to Urban and Agricultural Management Plans			
M	M004439	M004437 - M004444	07/12/2012	Attachment: Draft Water Use Efficiency Actions to Reduce Reliance on Water Supplies from the Delta			

M	M004445		07/13/2012	Changes needed in Figure 5-1 and a few other suggestions/corrections	Davenport, Jessica@DeltaCouncil	Messer, Cindy@DeltaCouncil	Ray, Dan@DeltaCouncil
M	M004446		07/13/2012	RE: write ups of yesterday's council action on Four items	Martha Davis	Pearson, Jessica@DeltaCouncil ; Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil ; DAmbrosio, Angela@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil
M	M004447	M004447 - M004450	07/18/2012	FW: update on delta plan regulatory package/request for informal guidance on 2 issues	Stevens, Chris@DeltaCouncil	Isenberg, Phil@DeltaCouncil	Nichol, Eric@DeltaCouncil ; Ray, Dan@DeltaCouncil
M	M004449	M004447 - M004450	07/18/2012	Attachment: RR P1 Prioritization of State Investments in Delta Levees and Risk Reduction			
M	M004451		07/18/2012	A call from David Nelson from the Spanos Company	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; mdavis@ieua.org	Johnston, Patrick@Calhealthplans ; Fiorini, Randy
M	M004454		07/18/2012	RE: A call from David Nelson from the Spanos Company	Ray, Dan@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M004457		07/18/2012	Re: A call from David Nelson from the Spanos Company	Patrick Johnston	Isenberg, Phil@DeltaCouncil	
M	M004460		07/19/2012	RE: Earthquake Section-CH7	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M004462		07/20/2012	RE: A call from David Nelson from the Spanos Company	Ray, Dan@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M004468		07/20/2012	RE: A call from David Nelson from the Spanos Company	Patrick Johnston	Isenberg, Phil@DeltaCouncil ; Randy Fiorini	Grindstaff, Joe@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; mdavis@ieua.org; Fiorini, Randy

M	M004473		07/20/2012	FW: A call from David Nelson from the Spanos Company	Isenberg, Phil@DeltaCouncil	Ray, Dan@DeltaCouncil	Johnston, Patrick@Calhealthplans ; Grindstaff, Joe@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; mdavis@ieua.org; Fiorini, Randy
M	M004478		07/20/2012	Re: A call from David Nelson from the Spanos Company	Randy Fiorini	Isenberg, Phil@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; mdavis@ieua.org; Johnston, Patrick@Calhealthplans ; Fiorini, Randy
M	M004481		07/20/2012	RE: A call from David Nelson from the Spanos Company	Isenberg, Phil@DeltaCouncil	Johnston, Patrick@Calhealthplans ; Randy Fiorini	Grindstaff, Joe@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; mdavis@ieua.org; Fiorini, Randy
M	M004485	M004485 - M004494	07/23/2012	Solano County's suggested framework	Davenport, Jessica@DeltaCouncil	Ray, Dan@DeltaCouncil	
M	M004486	M004485 - M004494	07/23/2012	Attachment: Letter to Joe Grindstaff from Solano County re Second Draft of Delta Plan/Solano County Comments			
M	M004495		07/23/2012	RE: A call from David Nelson from the Spanos Company	Ray, Dan@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M004501		07/23/2012	RE: A call from David Nelson from the Spanos Company	Isenberg, Phil@DeltaCouncil	Ray, Dan@DeltaCouncil	
M	M004507		07/25/2012	Re: DSC draft questions	Martha Davis	sixbit@sonnet.com	

M	M004508		07/25/2012	FW: [CA Natural Resources Agency News Releases] Governor Brown and	Alvarez, Eric@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Miller, Curtis@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Walker, Laura@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; Harader, Sam@DeltaCouncil ; Brand, Marina@DeltaCouncil ; Samsam, Kevan@DeltaCouncil ; Bradley, Mark@DeltaCouncil ; Nichol, Eric@DeltaCouncil	
M	M004512	M004512 - M004771	07/27/2012	ERP Conservation Strategy	Joshua Grover	Correa, Lindsay@DeltaCouncil	Adam Ballard ; Julie Garcia
M	M004513	M004512 - M004771	07/27/2012	Attachment: Ecosystem Restoration Program Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta, ® Sacramento Valley and San Joaquin Valley Regions			
M	M004772	M004772 - M004777	07/30/2012	Grumpy old water guy comments on BDCP - Phil Isenberg, Chair Delta Stewardship Council	Martin, Elaine@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M004773	M004772 - M004777	07/30/2012	Attachment: Comments from DSC Chair Phil Isenberg ®Regarding BDCP Announcemen			
M	M004778		07/30/2012	FW: Potential Meeting	Messer, Cindy@DeltaCouncil	Ray, Dan@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Stevens, Chris@DeltaCouncil	

M	M004781		07/30/2012	RE: Potential Meeting River Islands	Isenberg, Phil@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Stevens, Chris@DeltaCouncil	
M	M004784		07/31/2012	oops -- RE: Potential Meeting River Islands	Ray, Dan@DeltaCouncil	Johnston, Patrick@Calhealthplans	Isenberg, Phil@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil
M	M004790		07/31/2012	FW: Potential Meeting River Islands	Ray, Dan@DeltaCouncil	Johnston, Patrick@Calhealthplans	Isenberg, Phil@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil
M	M004796		07/31/2012	RE: oops -- RE: Potential Meeting River Islands	Patrick Johnston	Ray, Dan@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil
M	M004803		07/31/2012	RE: Potential Meeting River Islands	Patrick Johnston	Isenberg, Phil@DeltaCouncil ; Fiorini, Randy	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil
M	M004808		07/31/2012	RE: Potential Meeting River Islands	Patrick Johnston	Isenberg, Phil@DeltaCouncil ; Fiorini, Randy	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil
M	M004812		07/31/2012	RE: oops -- RE: Potential Meeting River Islands	Isenberg, Phil@DeltaCouncil	Johnston, Patrick@Calhealthplans ; Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil
M	M004819		07/31/2012	FW: Potential Meeting River Islands	Isenberg, Phil@DeltaCouncil	Ray, Dan@DeltaCouncil	
M	M004825		07/31/2012	RE: Potential Meeting River Islands	Isenberg, Phil@DeltaCouncil	Johnston, Patrick@Calhealthplans ; Fiorini, Randy	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil
M	M004830		07/31/2012	FW: Potential Meeting River Islands	Isenberg, Phil@DeltaCouncil	Johnston, Patrick@Calhealthplans ; Fiorini, Randy	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Messer, Cindy@DeltaCouncil
M	M004834	M004834 - M004848	08/01/2012	RE: Legacy Community Definition	Thomas. Don	Nichol, Eric@DeltaCouncil	

M	M004835	M004834 - M004848	08/01/2012	Attachment: Senate Bill No. 244 Chapter 513			
M	M004849	M004849 - M004855	08/02/2012	Revising the Delta Plan maps and related land use policies	Davenport, Jessica@DeltaCouncil	Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Hastings, Lauren@DeltaCouncil
M	M004850	M004849 - M004855	08/02/2012	Attachment: Internal Memo: Staff Analysis of the Delta Plan Maps			
M	M004854	M004849 - M004855	08/02/2012	Attachment: Attachment 1: Policies in the Delta Plan that Regulate Land Use			
M	M004856	M004856 - M004857	08/02/2012	Bond Information	Samsam, Kevan@DeltaCouncil	Martha Davis	Lischeske, Carl@Delta Council
M	M004857	M004856 - M004857	08/02/2012	Attachment: Bonf Information			
M	M004858	M004858 - M004868	08/03/2012	FW: Delta Legacy Communities in Sacramento County	Thomas. Don	Nichol, Eric@DeltaCouncil ; Ray, Dan@DeltaCouncil	
M	M004859	M004858 - M004868	08/03/2012	Attachment: Letter to Michael Machado from County of Sacramento re Delta Legacy Communities in Sacramento County			
M	M004869		08/03/2012	RE: Meeting w/ River Islands + City of Lathrop re Delta Plan exemption	Patrick Johnston	Ray, Dan@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Pearson, Jessica@DeltaCouncil	
M	M004871		08/06/2012	RE: Legacy Community Maps	Westhoff, Alex@DPC	Nichol, Eric@DeltaCouncil	
M	M004874	M004874 - M004881	08/06/2012	FW: Delta Maps	Singleton, Sheila@DPC	Ray, Dan@DeltaCouncil	
M	M004875	M004874 - M004881	08/06/2012	Attachment: Map Courtland - Legacy Communities The Sacramento-San Joaquin Delta			
M	M004881	M004874 - M004881	08/06/2012	Attachment: Letter to Dan Ray from Delta Protection Commission			
M	M004882		08/08/2012	RE: USACE Entry for Table 2-1	Pearson, Jessica@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M004885	M004885 - M004887	08/08/2012	draft draft - unapproved	John Mills	Martha Davis	Martha Davis

M	M004886	M004885 - M004887	08/08/2012	Attachment: Draft Demonstrating Improved Regional Self-Sufficiency August 8, 2012			
M	M004888	M004888 - M004893	08/09/2012	Delta Stewardship Council Outgoing Correspondence - 8/9/2012	Alexander, Kia@DeltaCouncil		
M	M004889	M004888 - M004893	08/09/2012	Attachment: Letter to Michael Machado from Delta			
M	M004894		08/09/2012	RE: page 95 lines 14-16	Pearson, Jessica@DeltaCouncil	Martha Davis	
M	M004895		08/10/2012	RE: can you please double check whether the water code sections (201 and 1001) are correct?	Pearson, Jessica@DeltaCouncil	Martha Davis	
M	M004896		08/10/2012	can you please double check whether the water code sections (201 and 1001) are correct?	Pearson, Jessica@DeltaCouncil	Martha Davis	
M	M004897		08/11/2012	RE: interest facts for chapter 1 -- assume that these points are made in ecosystem chapter	Pearson, Jessica@DeltaCouncil	Martha Davis	
M	M004898	M004898 - M004940	08/14/2012	Reference for 2012 UWMP Statistics page 103 of Ch 3 for reference "DWR 2012"	Gwendolyn.Buchholz@CH2M.com	Jessica.Pearson@deltacouncil.ca.gov; Martha Davis	
M	M004899	M004898 - M004940	08/14/2012	Attachment: Letter to distribution list from Department of Water Resources			
M	M004941	M004941 - M004947	08/16/2012	for your eyes	Martha Davis	John Mills	
M	M004942	M004941 - M004947	08/16/2012	Attachment: Appendix XX Demonstrating Consistency with the Delta Plan Regarding Reduced Reliance on the Delta and Improved Regional Self-Reliance			
M	M004948	M004948 - M004956	08/17/2012	Re: for your eyes	John Mills	Martha Davis	

M	M004949	M004948 - M004956	08/17/2012	Attachment: Appendix XX Demonstrating Consistency with the Delta Plan Regarding Reduced Reliance on the Delta and Improved Regional Self-Reliance			
M	M004956	M004948 - M004956	08/17/2012	Attachment: Email from Martha Davis			
M	M004957	M004957 - M004958	08/28/2012	Isleton City Limits	David.Christophel@CH2M.com	Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil
M	M004958	M004957 - M004958	08/28/2012	Attachment: Map of City of Isleton			
M	M004959		09/05/2012	RR P2 - Rationale	Nichol, Eric@DeltaCouncil	Ray, Dan@DeltaCouncil	Lischeske, Carl@Delta Council
M	M004961		09/06/2012	depiction of Steamboat Slough in the Delta Plan graphics	Ray, Dan@DeltaCouncil	phil@pvgov.com	Jerry Meral ; Grindstaff, Joe@DeltaCouncil ; Lischeske, Carl@Delta Council
M	M004963	M004963 - M004966	09/06/2012	FW: how do you feel about the elimination of Steamboat Slough in the Delta Plan?	Ray, Dan@DeltaCouncil	Lischeske, Carl@Delta Council	
M	M004964	M004963 - M004966	09/06/2012	Attachment: Map of missing steamboat			
M	M004965	M004963 - M004966	09/06/2012	Attachment: Map of Delta Plan			
M	M004966	M004963 - M004966	09/06/2012	Attachment: Map of Delta Plan North			
M	M004967		09/06/2012	RE: how do you feel about the elimination of Steamboat Slough in the Delta Plan?	Lischeske, Carl@Delta Council	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil ; Bucholz, Gwendolyn@VENDOR-CH2M
M	M004969	M004969 - M004974	09/07/2012	Language as I give to Randy	John Mills	Martha Davis	
M	M004970	M004969 - M004974	09/07/2012	Attachment: Improving Regional Self- Sustainability through Forest Management within the Sierra Nevada Mountain Range			
M	M004975		09/11/2012	RE: a few questions about the new maps	Davenport, Jessica@DeltaCouncil	Isenberg, Phil@DeltaCouncil	Ray, Dan@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil

M	M004977		09/11/2012	Re: Contra Costa BOS	Ray, Dan@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil	Coolidge, Keith@DeltaCouncil ; Davenport, Jessica@DeltaCouncil
M	M004979		09/11/2012	Contra Costa BOS	Pearson, Jessica@DeltaCouncil	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil	Coolidge, Keith@DeltaCouncil ; Davenport, Jessica@DeltaCouncil
M	M004981		09/12/2012	development in unincorporated Delta towns	Ray, Dan@DeltaCouncil	Machado, Michael@DPC	Davenport, Jessica@DeltaCouncil
M	M004982	M004982 - M004990	09/12/2012	FW: GZ Line-by-line comments re "final" 9.5.12 Draft Delta Plan	Pearson, Jessica@DeltaCouncil	Martha Davis	
M	M004984	M004982 - M004990	09/12/2012	Attachment: Draft GZ Line by Line Comments			
M	M004990	M004982 - M004990	09/12/2012	Blank Page			
M	M004991		09/13/2012	oops -- RE: Delta communities and the DPC.	Ray, Dan@DeltaCouncil	Johnston, Patrick@Calhealthplans	Stevens, Chris@DeltaCouncil ; Grindstaff, Joe@DeltaCouncil ; Dan Siegel ; Davenport, Jessica@DeltaCouncil
M	M004993	M004993 - M004995	09/14/2012	RE: Seeking JPEG of proposed NHA boundary Attachment: Figure 7	Westhoff, Alex@DPC	Ray, Dan@DeltaCouncil	
M	M004995	M004993 - M004995	09/14/2012	Proposed Conceptual Boundary for the Sacramento-San Joaquin Delta National Heritage Area			
M	M004996		09/18/2012	RE: CO2 emissions from peat oxidation	Hastings, Lauren@DeltaCouncil	Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil
M	M004997		09/19/2012	West Sac South Cross Levee	Nichol, Eric@DeltaCouncil	Ray, Dan@DeltaCouncil	Lischeske, Carl@Delta Council
M	M004998		09/19/2012	FW: CO2 emissions from peat oxidation	Hastings, Lauren@DeltaCouncil	Ray, Dan@DeltaCouncil	

M	M005000		09/19/2012	A suggestion for some Brown Bag lunches re science, BDCP, the Delta Science Plan, and the BiOps process ---- along with some written stuff for the Governor's staff too	Isenberg, Phil@DeltaCouncil	Goodwin, Peter@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; Fiorini, Randy	Grindstaff, Joe@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; mdavis@ieua.org; Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil
M	M005002	M005002 - M005013	09/26/2012	Next steps for Near Term Strategies (aka Near Term Actions)	Messer, Cindy@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Bradley, Mark@DeltaCouncil ; Samsam, Kevan@DeltaCouncil ; Davenport, Jessica@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Martha Davis	Ray, Dan@DeltaCouncil ; Lischeske, Carl@Delta Council ; Stevens, Chris@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; Thomason, Christie@DeltaCouncil ; Ryan, John@DeltaCouncil
M	M005004	M005002 - M005013	09/26/2012	Attachment: Memo re Fleshing Out Potential 'Near Term' Delta Plan Implementation Tasks			
M	M005011	M005002 - M005013	09/26/2012	Attachment: Draft Workplan Delta Flood Risk Reduction			
M	M005014		09/27/2012	Aquaforia blog	Martha Davis	Phil.Isenberg@deltacouncil.ca.gov	
M	M005015		10/09/2012	FW: Did you have a chance to talk to Tina yet?	Davis, Martha@Delta Council	Martha Davis	
M	M005016	M005016 - M005023	10/18/2012	FW: Review Request: CVFPB-DSC MOU	Nichol, Eric@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M005018	M005016 - M005023	10/18/2012	MEMORANDUM OF UNDERSTANDING BETWEEN THE DELTA STEWARDSHIP COUNCIL AND THE CENTRAL VALLEY FLOOD PROTECTION BOARD TO FACILITATE THE IMPLEMENTATION OF THE SACRAMENTO-SAN JOAQUIN DELTA REFORM ACT OF 2009			
M	M005024		10/23/2012	Attachment: Email to Bill Baker from Phil Isenberg	Isenberg, Phil@DeltaCouncil	Bill Baker	

M	M005026		10/24/2012	October 15 Hearing Summary	Pearson, Jessica@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Fiorini, Randy ; Knopp, Chris@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; Goodwin, Peter@DeltaCouncil	Samsam, Kevan@DeltaCouncil ; Davenport, Jessica@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Alvarez, Eric@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Lischeske, Carl@Delta Council ; Bradley, Mark@DeltaCouncil ; mdavis@ieua.org
M	M005027		10/26/2012	RE: Delta Maps	Thomas. Don	Nichol, Eric@DeltaCouncil	Davenport, Jessica@DeltaCouncil
M	M005029		10/26/2012	For final Delta Plan (after public review) Delta as Place and Risk reduction science and additional info needs	Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Davenport, Jessica@DeltaCouncil	
M	M005030	M005030 - M005091	10/29/2012	Potential meeting with you and the Cavanaugh's	Isenberg, Phil@DeltaCouncil	Bill Baker	Messer, Cindy@DeltaCouncil
M	M005032	M005030 - M005091	10/29/2012	Attachment: Letter to Jeffrey & Cara Cavanaugh from Delta			
M	M005063	M005030 - M005091	10/29/2012	Attachment: Appendix D Statutory Exemptions from Covered Actions			
M	M005067	M005030 - M005091	10/29/2012	Attachment: Chapter 2 Delta Plan Final Draft Delta Plan			
M	M005073	M005030 - M005091	10/29/2012	Attachment: Delta Plan Policies and Recommendations			
M	M005092		10/29/2012	Attachment: Email to Phil Isenberg from Bill Baker	Bill Baker	Isenberg, Phil@DeltaCouncil	
M	M005093		10/30/2012	RE: Lunch w/ Bill Edgar October 18	Isenberg, Phil@DeltaCouncil	Eric Nichol	

M	M005095		10/31/2012	FW: Google Alert - "Delta Stewardship Council"	Pearson, Jessica@DeltaCouncil	Ray, Dan@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Alvarez, Eric@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Johnston, Patrick@Calhealthplans ; Coolidge, Keith@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Davenport, Jessica@DeltaCouncil
M	M005096		10/31/2012	Re: Google Alert - "Delta Stewardship Council"	Patrick Johnston	Pearson, Jessica@DeltaCouncil	Ray, Dan@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Alvarez, Eric@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Davenport, Jessica@DeltaCouncil
M	M005098		10/31/2012	City of Stockton staff report and documents presented to their Council last night	Isenberg, Phil@DeltaCouncil	Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil	
M	M005099	M005099 - M005101	11/05/2012	Memo for internal purposes only	Pearson, Jessica@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil	
M	M005100	M005099 - M005101	11/05/2012	Attachment: Memo: Assm. Buchanan Meeting and Covered Actions			
M	M005102		11/20/2012	Re: Letter from Delta Stewardship Council	Hansen, Brian	Davenport, Jessica@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Thomason, Christie@DeltaCouncil ; bill.baker@lpl.com; barbara@pkconsultants.com; Isenberg, Phil@DeltaCouncil

M	M005103	M005103 - M005118	11/27/2012	Delta Plan 2-pager & talking points	Coolidge, Keith@DeltaCouncil	Ray, Dan@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Davenport, Jessica@DeltaCouncil ; Alvarez, Eric@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Samsam, Kevan@DeltaCouncil ; Bradley, Mark@DeltaCouncil ; Lischeske, Carl@Delta Council ; Hastings, Lauren@DeltaCouncil	
M	M005104	M005103 - M005118	11/27/2012	Attachment: About the Delta Plan			
M	M005119		11/28/2012	RE: Contact Information	Pearson, Jessica@DeltaCouncil	Cynthia Gomez ; Isenberg, Phil@DeltaCouncil	
M	M005121	M005121 - M005123	11/29/2012	Comment Opportunities Provided by the DSC	Alvarez, Eric@DeltaCouncil	Ray, Dan@DeltaCouncil	
M	M005122	M005121 - M005123	11/29/2012	Attachment: Comment Opportunities Provided by the DSC			
M	M005124	M005124 - M005127	12/04/2012	Memo - DSC Outreach to Tribes	Alvarez, Eric@DeltaCouncil	Ray, Dan@DeltaCouncil ; Coolidge, Keith@DeltaCouncil	
M	M005125	M005124 - M005127	12/04/2012	Attachment: Communication & Engagement with CA Native American Tribes			
M	M005128	M005128 - M005129	12/04/2012	FW: Request for review extension of the DEIR	Kia.Alexander@ch2m.com	Messer, Cindy@DeltaCouncil	Bucholz, Gwendolyn@VENDOR-CH2M
M	M005129	M005128 - M005129	12/04/2012	Attachment: Letter to Phil Isenberg from Delta Caucus re REQUEST FOR TIME EXTENSION TO COMMENT PERIODS ON THE FINAL DELTA PLAN, ® SUPPLEMENT TO DRAFT PROGRAM EIR, AND DRAFT REGULATIONS FOR FINAL DELTA PLAN			

M	M005130		12/04/2012	FW: Draft DSC Plan	Stevens, Chris@DeltaCouncil	pjohnston@calhealthplans.com; Isenberg, Phil@DeltaCouncil	Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil
M	M005132		12/04/2012	http://www.nxtbook.com/nxtbooks/dailyjournal/calilawyer_201212/#/30	Stevens, Chris@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Ray, Dan@DeltaCouncil	
M	M005133	M005133 - M005137	12/14/2012	DSC Tribal Outreach Memorandum	Alvarez, Eric@DeltaCouncil	Cynthia.Gomez@GOV.CA.GOV; Heather.Hostler@GOV.CA.GOV	Ray, Dan@DeltaCouncil
M	M005134	M005133 - M005137	12/14/2012	Attachment: Communication & Engagement with CA Native American Tribes			
M	M005138		12/19/2012	General comment re Delta Plan	Jane Wagner-Tyack	Messer, Cindy@DeltaCouncil	
M	M005139	M005139 - M005143	12/20/2012	Meeting with Gov. Brown's Tribal Affairs Representatives	Coolidge, Keith@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Knopp, Chris@DeltaCouncil	Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Alvarez, Eric@DeltaCouncil ; Stevens, Chris@DeltaCouncil
M	M005140	M005139 - M005143	12/20/2012	Attachment: Communication & Engagement with CA Native American Tribes			
M	M005144	M005144 - M005148	12/20/2012	Meeting with Gov. Brown's Tribal Affairs Representatives	Coolidge, Keith@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Knopp, Chris@DeltaCouncil	Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Alvarez, Eric@DeltaCouncil ; Stevens, Chris@DeltaCouncil
M	M005145	M005144 - M005148	12/20/2012	Attachment: Communication Engagement with CA Native American Tribes			
M	M005149		12/20/2012	An interest summary of a talk by Carl Torgersen about operations/maintenance of the State Water Project	Isenberg, Phil@DeltaCouncil	Knopp, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Davis, Martha@Delta Council ; Stevens, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil	

M	M005151		12/31/2012	FW: Interagency Implementation Committee	Dorn. Linda (SDA)	Messer, Cindy@DeltaCouncil	
M	M005153		01/02/2013	RE: Tribal Meeting January 23rd	Isenberg, Phil@DeltaCouncil	Thomason, Christie@DeltaCouncil	Alvarez, Eric@DeltaCouncil
M	M005155	M005155 - M005157	01/09/2013	FW: Draft Final Delta Plan	Alexander, Kia@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Bucholz, Gwendolyn@VENDOR-CH2M ; Kia Alexander	
M	M005156	M005155 - M005157	01/09/2013	Attachment: Letter to Phil Isenberg from Three Valleys Draft Final Delta Plan, Draft Program Environmental Impact Report, Draft Rulemaking Documents			
M	M005158		01/09/2013	RE: Comment Letter on Draft Delta Plan	Alexander, Kia@DeltaCouncil	Messer, Cindy@DeltaCouncil	
M	M005159	M005159 - M005163	01/11/2013	FW: El Dorado Irrigation District's Comments to Final Draft Delta Plan	Alvarez, Eric@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Kia.Alexander@ch2m.com; Alexander, Kia@DeltaCouncil	
M	M005160	M005159 - M005163	01/11/2013	Attachment: Letter to Delta from El Dorado Irrigation District re Final Draft Delta Plan			
M	M005164		01/13/2013	Delta plan	MICHAEL MCKEOWN	Messer, Cindy@DeltaCouncil	
M	M005165		01/13/2013	Comments on Proposed Rulemaking - Final Draft Delta Plan	Ken	Messer, Cindy@DeltaCouncil	
M	M005167	M005167 - M005270	01/14/2013	Delta Plan	Tammy Davis	Messer, Cindy@DeltaCouncil	
M	M005168	M005167 - M005270	01/14/2013	Attachment: Letter to Delta from Tuolumne County re Final Draft Delta Plan			
M	M005187	M005167 - M005270	01/14/2013	Attachment: Letter to Cindy Messer from Tuolumne County re Delta Plan - Draft Programmatic Environmental Impact Report			
M	M005261	M005167 - M005270	01/14/2013	Attachment: Letter to Cindy Messer from Tuolumne County re Proposed Rulemaking and Draft Regulations			

M	M005271	M005271 - M005285	01/14/2013	Recirculated Draft EIR Rulemaking comments	Senatore, Jennifer E.	Messer, Cindy@DeltaCouncil	
M	M005272	M005271 - M005285	01/14/2013	Attachment: Letter to Phil Isenberg re Solano County Comments on Delta Plan (revised Project), Recirculated Draft Programmatic EIR and Regulations Associated with the Delta Plan (Rulemaking)			
M	M005286		01/14/2013	Public Comment on Final Draft Delta Plan	KKimberling	Delta Council Delta Plan Comments	Messer, Cindy@DeltaCouncil
M	M005289		01/14/2013	Delta Plan	JERRY JERRY	Messer, Cindy@DeltaCouncil	
M	M005290		01/14/2013	R-DPEIR Delta Plan Comment	Charles Alexander	comments, recirculateddpeir@DeltaCouncil ; Messer, Cindy@DeltaCouncil	
M	M005296		01/14/2013	The Delta Plan and the BDCP and the Canal/Tunnels Can't Be Separate - they Are Each Part of the Whole!	Bob Ackerly	Messer, Cindy@DeltaCouncil	
M	M005298	M005298 - M005315	01/14/2013	City of Antioch's comments on the Recirculated Delta Plan EIR (R-DPEIR)	Ann Spaulding	comments, recirculateddpeir@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Ron Bernal ; twehrmeister@ci.antioch.ca.us; Matt Emrick ; susan paulsen email
M	M005299	M005298 - M005315	01/14/2013	Attachment: Letter to Cindy Messer from City of Antioch re City of Antioch Recirculated DPEIR Volume 3			
M	M005316	M005316 - M005318	01/14/2013	FW: Comments on Draft Delta Plan	Alexander, Kia@DeltaCouncil	Messer, Cindy@DeltaCouncil	
M	M005317	M005316 - M005318	01/14/2013	Attachment: Letter to Cindy Messer from U.S. Department of the Interior			
M	M005319		01/14/2013	RE: Sacramento County's Comments on the Delta Plan	Alexander, Kia@DeltaCouncil	Messer, Cindy@DeltaCouncil	
M	M005320	M005320 - M005322	01/14/2013	RE: comments	Alexander, Kia@DeltaCouncil	Messer, Cindy@DeltaCouncil	
M	M005321	M005320 - M005322	01/14/2013	Attachment: Email to Delta from Linda re Delta Project			

M	M005323		01/14/2013	RE: How to send in comments for people without email?	Alexander, Kia@DeltaCouncil	Janet McCleery	Messer, Cindy@DeltaCouncil
M	M005324	M005324 - M005326	01/14/2013	Comments on Recirculated Delta Plan Environmental Impact Report	Akroyd, Rebecca	Messer, Cindy@DeltaCouncil ; comments, recirculateddpeir@DeltaCouncil	dan.nelson@sldmwa.org; terlewine@swc.org
M	M005325	M005324 - M005326	01/14/2013	Final EIR Letter.pdf	Postmaster	Local Recipient	
M	M005326	M005324 - M005326	01/14/2013	EIR Letter Appendix.pdf	Postmaster	Local Recipient	
M	M005327	M005327 - M005352	01/14/2013	Comments on Delta Stewardship Council Proposed Rulemaking	Akroyd, Rebecca	Messer, Cindy@DeltaCouncil ; comment, rulemakingprocess@DeltaCouncil	dan.nelson@sldmwa.org; terlewine@swc.org
M	M005328	M005327 - M005352	01/14/2013	Attachment: Letter to Cindy Messer re Delta Stewardship Council Proposed Rulemaking			
M	M005353	M005353 - M005387	01/15/2013	SRCSD Comments on Recirculated Draft EIR, Final Draft Delta Plan, and Delta Plan Rulemaking Package	Dorn. Linda (SDA)	Messer, Cindy@DeltaCouncil	
M	M005354	M005353 - M005387	01/15/2013	FW: SRCSD - Regulations and Rulemaking Package Comments	Dalton. Belinda (SDA)	dornl@sacsewer.com; mitchellt@sacsewer.com	
M	M005355	M005353 - M005387	01/15/2013	Attachment: Letter to Phil Isenberg re Rulemaking Package, Delta Plan			
M	M005359	M005353 - M005387	01/15/2013	Recirculated Draft Delta Plan Program EIR Volume 3 Comments	Dorn. Linda (SDA)	comments, recirculateddpeir@DeltaCouncil	
M	M005360	M005353 - M005387	01/15/2013	Attachment: Letter to Phil Isenberg re Sacramento Regional County Sanitation District Comments on the November 2012 Recirculated Draft Delta Plan Program Environmental Impact Report, Volume 3.			
M	M005375	M005353 - M005387	01/15/2013	Comments on Draft Delta Plan November 2012	Dorn. Linda (SDA)	Delta Council Delta Plan Comments	

M	M005376	M005353 - M005387	01/15/2013	Attachment: Letter to Delta re Sacramento Regional County Sanitation District's Comments Regarding Final Draft Delta Plan November 2012			
M	M005388	M005388 - M005392	01/15/2013	Fwd: State and Federal Water Contractors Agency	Randy Fiorini	Isenberg, Phil@DeltaCouncil	
M	M005389	M005388 - M005392	01/15/2013	Attachment: Appendix 1			
M	M005393	M005393 - M005396	01/16/2013	SRCD Delta Plan Comment Letter	Steven Chappell	Messer, Cindy@DeltaCouncil ; Davenport, Jessica@DeltaCouncil ; jstarr@dfg.ca.gov; Laureen Thompson ; DWR Cay Goude ; Vincent_Griego@fws.gov; rvictorine@usbr.gov; jewaters@pacbell.net; Messer, Dean@DWR ; Garrison, Kristin@DWR	
M	M005394	M005393 - M005396	01/16/2013	Attachment: Letter to Phil Isenberg from Resource Conservation re Suisan Resource Conservation District Comments on the Recirculated Delta Plan Draft PEIR			
M	M005397	M005397 - M005430	01/16/2013	FW: City of Stockton Comments on Recirculated Draft Program Environmental Impact Report for the Final Draft Delta Plan	Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil	
M	M005398	M005397 - M005430	01/16/2013	Attachment: Letter to Phil Isenberg from the city of Stockton re Comments on recirculated draft program environmental impact report (volume 3) for all the final draft delta			
M	M005431		01/16/2013	RE: comments from the public hearings	Alexander, Kia@DeltaCouncil	Messer, Cindy@DeltaCouncil	

M	M005433		01/16/2013	Re: Stockton prepares for legal fight with the Council	Randy Fiorini	Pearson, Jessica@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Knopp, Chris@DeltaCouncil	
M	M005436		01/17/2013	RE:	Cecily Tippet	Messer, Cindy@DeltaCouncil	
M	M005437	M005437 - M005441	01/17/2013	PEIR Recirculated Executive Summary Final Draft for the Delta Plan (SCH 2010122028)	Bennie Lee	Messer, Cindy@DeltaCouncil	Brian Brandert ; Tom Dumas ; Riding, Chad J@DOT
M	M005438	M005437 - M005441	01/17/2013	Attachment: Letter to Cindy Messer re PEIR Recirculated Executive Summary Final Draft for the Delta Plan			
M	M005442		01/17/2013	RE: Draft Delta Plan Language on SWP O&M Challenges	Alexander, Kia@DeltaCouncil	Messer, Cindy@DeltaCouncil	
M	M005445		01/17/2013	RE: SRCD Comment Letter	Alexander, Kia@DeltaCouncil	Messer, Cindy@DeltaCouncil	
M	M005446		01/17/2013	RE: Revised Comments on Final Delta Draft Plan	Alexander, Kia@DeltaCouncil	Messer, Cindy@DeltaCouncil	
M	M005448		01/17/2013	RE: New semi-coalition statement(s) on Portfolio-Based BDCP Conceptual Alternative	Jay Lund	Isenberg, Phil@DeltaCouncil	
M	M005484		01/25/2013	RE: Current water use data	Massera, Paul@DWR	Lischeske, Carl@Delta Council	
M	M005486		01/25/2013	RE: yesterday's tribal meeting	Coolidge, Keith@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Alvarez, Eric@DeltaCouncil	Knopp, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Stevens, Chris@DeltaCouncil
M	M005487	M005487 - M005488	01/29/2013	FW: Chapter 3 Table - Updated Water Use Data	Lischeske, Carl@Delta Council	Messer, Cindy@DeltaCouncil	Samsam, Kevan@DeltaCouncil
M	M005488	M005487 - M005488	01/29/2013	Attachment: Chapter 3 Table - Updated Water Use Data			
M	M005489		01/30/2013	setback levees in BDCP	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M005490		01/31/2013	FW: Draft Delta Plan Language on SWP O&M Challenges	Samsam, Kevan@DeltaCouncil	Davis, Martha@Delta Council ; Martha Davis	
M	M005492	M005492 - M005511	02/04/2013	Missing attachments to Hoopa Valley Tribe comments on the Final Draft Delta Plan and Recirculated Draft PEIR vol. 3	Tom Schlosser	Rogers, Pat@DeltaCouncil ; Messer, Cindy@DeltaCouncil	Leslie Sherman

M	M005493	M005492 - M005511	02/04/2013	Attachment: Letter to Terry Macaulay re NOTICE OF PREPARATION DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE ® DELTA PLAN--Scoping Comments of Hoopa Valley Tribe			
M	M005512		02/07/2013	RE: DSC vs. DPC Roles	Thomas. Don	Nichol, Eric@DeltaCouncil ; Booth. George ; Johnson. Michael	
M	M005516	M005516 - M005526	02/07/2013	Could We Talk About Desal Some Time?	Rob Cozens	Isenberg, Phil@DeltaCouncil	
M	M005517	M005516 - M005526	02/07/2013	Attachment: Memorandum dated November 8, 2012, from Resighini Rancheria to California Water Plan Update 2013 Tribal Advisory Committee re "A Brief Summary of the Case for Wave-powered Desalination of Sea Water"			
M	M005527		02/08/2013	RE: NHMA Resource on Biggert-Waters	Pineda, Ricardo@DWR	Nichol, Eric@DeltaCouncil	
M	M005531		02/11/2013	Re: Cobey-Alquist Flood Plain Mgmt Act	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	Stevens, Chris@DeltaCouncil ; Dan.Siegel@doj.ca.gov
M	M005534		02/12/2013	RE: Vegetation removal in "encroachment" definition	Marino, Len@DWR	Nichol, Eric@DeltaCouncil	
M	M005535		02/12/2013	FW: Order Confirmation for California Tribal Water Summit	Isenberg, Phil@DeltaCouncil	Coolidge, Keith@DeltaCouncil ; Alvarez, Eric@DeltaCouncil	
M	M005537		02/12/2013	RE: Could We Talk About Desal Some Time?	Isenberg, Phil@DeltaCouncil	Rob Cozens	
M	M005539	M005539 - M005544	02/13/2013	CVFPB's Comments - DSC Reg Change (bullets)	Woertink, Amber@DWR	Nichol, Eric@DeltaCouncil	Marino, Len@DWR
M	M005540	M005539 - M005544	02/13/2013	Attachment: Central Valley Flood Protection Board Comments dated January 24, 2013			
M	M005545		02/20/2013	RE: Stockton area setback levees	Roger Churchwell	Nichol, Eric@DeltaCouncil	
M	M005547		02/20/2013	Delta Plan cost analysis follow-up	Melinda Terry	Nichol, Eric@DeltaCouncil	Erik Ringelberg ; Osha Meserve

M	M005548		02/21/2013	RE: comment ltr	Lischeske, Carl@Delta Council	Pearson, Jessica@DeltaCouncil	
M	M005550		02/22/2013	Re: Delta Plan cost analysis follow-up	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M005552		02/25/2013	RE: SJ County is updating its General Plan	Ray, Dan@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M005554		02/28/2013	Interesting Real Life Potential Covered Actions	Samsam, Kevan@DeltaCouncil	Messer, Cindy@DeltaCouncil	Davenport, Jessica@DeltaCouncil ; Lischeske, Carl@Delta Council ; Stevens, Chris@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; Harader, Sam@DeltaCouncil ; Eric Nichol ; Bradley, Mark@DeltaCouncil
M	M005555		02/28/2013	RE: Consistency Certifications	Stevens, Christopher@Waterboards	Bradley, Mark@DeltaCouncil	Samsam, Kevan@DeltaCouncil ; Hartridge, Anne@Waterboards
M	M005556		02/28/2013	RE: Consistency Certifications	Stevens, Chris@DeltaCouncil	Bradley, Mark@DeltaCouncil	
M	M005558		02/28/2013	RE: SJ River Flows	Harader, Sam@DeltaCouncil	Bradley, Mark@DeltaCouncil	
M	M005559	M005559 - M005560	03/01/2013	FW: Tribal Letter for Your Review	Ray, Dan@DeltaCouncil	Knopp, Chris@DeltaCouncil	
M	M005560	M005559 - M005560	03/01/2013	Attachment: Letter from Phil Isenberg to Honorable Jon Doe of Yocha Dehe Wintu Nation dated March 1, 2013 re Solicitation for a Conversation about the Delta Plan			
M	M005561		03/04/2013	ICYMI: Meaning of "reduced reliance"	OConnor, Dennis	Martha Davis	
M	M005562	M005562 - M005565	03/05/2013	RE: 13-0226 Outreach Matrix.docx	Ray, Dan@DeltaCouncil	Coolidge, Keith@DeltaCouncil	
M	M005563	M005562 - M005565	03/05/2013	Attachment: Delta Plan Stakeholder Outreach			
M	M005566	M005566 - M005567	03/06/2013	Water transfers thru Delta	Stephen.Hatchett@CH2M.com	Stevens, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Samsam, Kevan@DeltaCouncil	Lucas.Bair@CH2M.com

M	M005567	M005566 - M005567	03/06/2013	Attachment: Comparison Table of Water Transfers Through the Delta			
M	M005568		03/06/2013	Re: Prop. 218	Ray, Dan@DeltaCouncil	Lischeske, Carl@Delta Council	Messer, Cindy@DeltaCouncil ; Nichol, Eric@DeltaCouncil
M	M005571		03/07/2013	RE: Water transfers thru Delta	Ray, Dan@DeltaCouncil	Stephen.Hatchett@CH2M.com; Stevens, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Samsam, Kevan@DeltaCouncil	Lucas.Bair@CH2M.com
M	M005572		03/07/2013	RE: Prop. 218	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil ; Lischeske, Carl@Delta Council	
M	M005575	M005575 - M005580	03/07/2013	FW: Water transfers	Lischeske, Carl@Delta Council	Martha Davis	Samsam, Kevan@DeltaCouncil
M	M005577	M005575 - M005580	03/07/2013	Attachment: Comparison Table of Water Transfers Through the Delta			
M	M005578	M005575 - M005580	03/07/2013	Attachment: CH2MHill March 1, 2013 One Year Transfers Through or in the Delta			
M	M005580	M005575 - M005580	03/07/2013	Attachment: Water Transfer Data			
M	M005581		03/09/2013	Past summaries of Delta Plan drafts	Isenberg, Phil@DeltaCouncil	Phillip L. Isenberg	
M	M005583	M005583 - M005588	03/12/2013	Fw: Prop. 218	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	Coolidge, Keith@DeltaCouncil
M	M005587	M005583 - M005588	03/12/2013	Attachment: Changing Laws equal... by California Central Valley Flood Control Association			
M	M005589		03/14/2013	Fw: Item 10 Lead Scientist Report	Ray, Dan@DeltaCouncil	Knopp, Chris@DeltaCouncil	
M	M005591		03/15/2013	RE: Delta Plan - Updated SOI land use figures	Davenport, Jessica@DeltaCouncil	Ray, Dan@DeltaCouncil	

M	M005593		03/17/2013	Annual water transfers	Randy Fiorini	Knopp, Chris@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Messer, Cindy@DeltaCouncil	
M	M005594		03/20/2013	what the Delta Plan does for agriculture	Ray, Dan@DeltaCouncil	Fiorini, Randy	
M	M005595		03/20/2013	RE: Manteca bulletin	Pearson, Jessica@DeltaCouncil	Ray, Dan@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Knopp, Chris@DeltaCouncil	Alvarez, Eric@DeltaCouncil
M	M005596		03/20/2013	Update on the Executive Summary	Messer, Cindy@DeltaCouncil	Ray, Dan@DeltaCouncil ; Knopp, Chris@DeltaCouncil	
M	M005597		03/21/2013	RE: Draft DSC Policy	Sarah Flores	Nichol, Eric@DeltaCouncil	
M	M005600	M005600 - M005603	03/21/2013	Delta Stewardship Scope of Work for updated prioritization of state investments in Delta levees	Ray, Dan@DeltaCouncil	hanknordoff@mac.com	agriffin@banyanbio.com; Knopp, Chris@DeltaCouncil
M	M005601	M005600 - M005603	03/21/2013	Attachment: Draft Delta Stewardship Council- Levee Analysis Projects Interagency Agreement Information			
M	M005604	M005604 - M005607	03/21/2013	Delta Stewardship Scope of Work for updated prioritization of state investments in Delta levees	Ray, Dan@DeltaCouncil	hanknordoff@mac.com	agriffin@banyanbio.com; Knopp, Chris@DeltaCouncil
M	M005605	M005604 - M005607	03/21/2013	Attachment: Draft Delta Stewardship Council- Levee Analysis Projects Interagency Agreement Information			
M	M005608		03/21/2013	FW: what the Delta Plan does for agriculture	Ray, Dan@DeltaCouncil	Davenport, Jessica@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Knopp, Chris@DeltaCouncil

M	M005610		03/22/2013	RE: Small exec team mtg folow up	Pearson, Jessica@DeltaCouncil	Ray, Dan@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Goodwin, Peter@DeltaCouncil ; Hoenicke, Rainer@DeltaCouncil	
M	M005612		03/22/2013	RE: CA Tribal Water Summit Draft Resolution for your consideration	Ray, Dan@DeltaCouncil	Alvarez, Eric@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Fiorini, Randy ; Knopp, Chris@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Davis, Martha@Delta Council ; Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Lischeske, Carl@Delta Council	
M	M005613		03/22/2013	RE: CA Tribal Water Summit Draft Resolution for your consideration	Isenberg, Phil@DeltaCouncil	Alvarez, Eric@DeltaCouncil ; Fiorini, Randy ; Knopp, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Davis, Martha@Delta Council ; Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Lischeske, Carl@Delta Council	

M	M005615			03/22/2013	CA Tribal Water Summit Draft Resolution for your consideration	Alvarez, Eric@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Fiorini, Randy ; Knopp, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Davis, Martha@Delta Council ; Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Lischeske, Carl@Delta Council	
M	M005616			03/25/2013	RE: Draft DSC Policy	Sarah Flores	Nichol, Eric@DeltaCouncil	
M	M005618			03/25/2013	Delta Plan: Appendix C - Administrative Performance Measures	Ballard, Adam@Wildlife	Davenport, Jessica@DeltaCouncil	Correa, Lindsay@DeltaCouncil
M	M005620			03/25/2013	Re: One page summary? Some thoughts on the	Randy Fiorini	Knopp, Chris@DeltaCouncil	
M	M005621			03/25/2013	Agenda item for a response letter to Members of Congress objecting to new WQ flows in the SJ River tributaries	Isenberg, Phil@DeltaCouncil	Knopp, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil	Fiorini, Randy
M	M005623			03/26/2013	RE: Draft DSC Policy	Sarah Flores	Nichol, Eric@DeltaCouncil	
M	M005626			03/26/2013	RE: Draft DSC Policy	Sarah Flores	Nichol, Eric@DeltaCouncil	
M	M005628			03/26/2013	RE: Sea Level Rise reference	Erik Ringelberg	Nichol, Eric@DeltaCouncil	
M	M005630			03/26/2013	FW: Datums	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil ; Messer, Cindy@DeltaCouncil	
M	M005631			03/27/2013	RE: Letter from OPC	Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Nichol, Eric@DeltaCouncil	
M	M005632			03/27/2013	RE: outstanding delta plan/dfg issues	Stevens, Chris@DeltaCouncil	Hastings, Lauren@DeltaCouncil ; Ray, Dan@DeltaCouncil	
M	M005637			03/27/2013	Re: Thanks and support	Ray, Dan@DeltaCouncil	Helliker, Paul@DWR	
M	M005638			03/27/2013	Re: Thanks and support	Ray, Dan@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M005640			03/27/2013	FW: Feedback on Setback levees	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	

M	M005641		03/27/2013	RE: Feedback on Setback levees	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M005642		03/27/2013	RE: Thanks and support	Isenberg, Phil@DeltaCouncil	Ray, Dan@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Fiorini, Randy	
M	M005643		03/27/2013	Thanks and support	Helliker, Paul@DWR	Ray, Dan@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Fiorini, Randy ; Isenberg, Phil@DeltaCouncil	Bagheban, Sean@DWR
M	M005644		03/27/2013	Thanks and support	Helliker, Paul@DWR	Ray, Dan@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Fiorini, Randy ; Isenberg, Phil@DeltaCouncil	Bagheban, Sean@DWR
M	M005645		03/27/2013	RE: Thanks and support	Isenberg, Phil@DeltaCouncil	Ray, Dan@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Fiorini, Randy	
M	M005646		03/29/2013	encroachment definition	Melinda Terry	Nichol, Eric@DeltaCouncil	
M	M005647		03/29/2013	Final push	Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Lischeske, Carl@Delta Council ; Pearson, Jessica@DeltaCouncil ; Alvarez, Eric@DeltaCouncil ; Ryan, John@DeltaCouncil ; mdavis@ieua.org; Stephen.Hatchett@CH2M.com; lucas.bair@ch2m.com; Mark.Bransom@CH2M.com; Mark.Oliver@CH2M.com; Heather.Waldrop@CH2M.com; Andrew, James@HSR	Garber@smwlaw.com; ross@smwlaw.com; OConnor, Jessica@DeltaCouncil
M	M005648		03/30/2013	Fwd: Huntington beach	Randy Fiorini	Isenberg, Phil@DeltaCouncil	

M	M005651	M005651 - M005653	04/02/2013	RE: Discuss the Delta Science Plan and Delta Plan WQ R8	Dorn. Linda (SDA)	McGee, Jill@DeltaCouncil ; Goodwin, Peter@DeltaCouncil ; Harader, Sam@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; rainer@sfei.org; Ohlinger. Kurt ; Mussen. Timothy ; mitchellt@sacsewer.com; tomg@lwa.com; Somavarapu. Prabhakar	
M	M005653	M005651 - M005653	04/02/2013	Attachment: Delta Science Program/SRCSD Meeting April 3, 2013 Agenda			
M	M005654		04/02/2013	RE: A Delta Plan narrative addition	Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil	
M	M005655		04/02/2013	A Delta Plan narrative addition	Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil	
M	M005656		04/03/2013	RE: Proposed Regulations CCR Title 23 Division 6 Delta Stewardship Council	Herota, James@DWR	Nichol, Eric@DeltaCouncil	
M	M005658	M005658 - M005660	04/03/2013	FW: Delta setback levees map	Davenport, Jessica@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M005660	M005658 - M005660	04/03/2013	Attachment: Setback Levees Map Updated April 2, 2013			
M	M005661		04/03/2013	RE: Delta Plan: Appendix C - Administrative Performance Measures	Davenport, Jessica@DeltaCouncil	Ballard, Adam@Wildlife	Correa, Lindsay@DeltaCouncil ; Messer, Cindy@DeltaCouncil
M	M005663		04/03/2013	RE: Small exec team mtg folow up	Coolidge, Keith@DeltaCouncil	Ray, Dan@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Goodwin, Peter@DeltaCouncil ; Hoenicke, Rainer@DeltaCouncil	
M	M005664		04/04/2013	RE: Proposed Regulations CCR Title 23 Division 6 Delta Stewardship Council	Herota, James@DWR	Samsam, Kevan@DeltaCouncil	Nichol, Eric@DeltaCouncil

M	M005667		04/05/2013	Re: Delta Science Plan and Delta Plan "Science Needs"	Ray, Dan@DeltaCouncil	Davenport, Jessica@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Hastings, Lauren@DeltaCouncil ; Enright, Chris@DeltaCouncil ; Correa, Lindsay@DeltaCouncil ; Rainer.Hoenicke@deltacouncil.ca.gov; Harader, Sam@DeltaCouncil ; Lischeske, Carl@Delta Council ; Davis, Martha@Delta Council ; Coolidge, Keith@DeltaCouncil ; Goodwin, Peter@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Bradley, Mark@DeltaCouncil ; Samsam, Kevan@DeltaCouncil ; Hoenicke, Rainer@DeltaCouncil	
M	M005668	M005668 - M005692	04/09/2013	FW: Comments of American Rivers on Phase 1 SED for Bay-Delta WQCP Update	Stevens, Chris@DeltaCouncil	Coolidge, Keith@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Knopp, Chris@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; mdavis@ieua.org; Pearson, Jessica@DeltaCouncil
M	M005670	M005668 - M005692	04/09/2013	Attachment: State Water Resources Control Board Comments of American Rivers on Phase I Substitute Environmental Document For Bay-Delta Water Quality Control Plan dated March 29, 2013			
M	M005693	M005693 - M005704	04/09/2013	Additional public comments from Sacramento County re: maps in the rulemaking package	Davenport, Jessica@DeltaCouncil	OConnor, Jessica@DeltaCouncil ; Alvarez, Eric@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Ray, Dan@DeltaCouncil

M	M005694	M005693 - M005704	04/09/2013	Attachment: Letter from County of Sacramento dated November 20, 2012 re Revised Maps of the Unincorporated Delta Communities			
M	M005703	M005693 - M005704	04/09/2013	Attachment: Sacramento County Comments on Rulemaking Package through January 24, 2013			
M	M005705		04/09/2013	Restore the Delta endorses Delta Plan EIR	Ray, Dan@DeltaCouncil	Stevens, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Isenberg, Phil@DeltaCouncil	
M	M005706		04/09/2013	Restore the Delta endorses Delta Plan EIR	Ray, Dan@DeltaCouncil	Stevens, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Isenberg, Phil@DeltaCouncil	
M	M005707		04/10/2013	Administrative measures - appendix C	Messer, Cindy@DeltaCouncil	Lischeske, Carl@Delta Council ; Samsam, Kevan@DeltaCouncil ; Bradley, Mark@DeltaCouncil ; Nichol, Eric@DeltaCouncil	Davenport, Jessica@DeltaCouncil
M	M005708		04/10/2013	RE: Quick HCP discussion at 3:30 today?	Davenport, Jessica@DeltaCouncil	Correa, Lindsay@DeltaCouncil	Pearson, Jessica@DeltaCouncil
M	M005709		04/10/2013	Quick HCP discussion at 3:30 today?	Davenport, Jessica@DeltaCouncil	Correa, Lindsay@DeltaCouncil	Pearson, Jessica@DeltaCouncil
M	M005710		04/10/2013	RE: Quick HCP discussion at 3:30 today?	Correa, Lindsay@DeltaCouncil	Davenport, Jessica@DeltaCouncil	Pearson, Jessica@DeltaCouncil

M	M005711		04/10/2013	Meeting to discuss Delta Plan policy DP P1: Locate New Development Wisely and consistency between DPC, DSC and Sacramento County plans.	Messer, Cindy@DeltaCouncil	Johnston, Patrick@Calhealthplans ; Machado, Michael@DPC ; nottolid@saccounty.net	Martin, Elaine@DeltaCouncil ; Thomason, Christie@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Davenport, Jessica@DeltaCouncil
M	M005712		04/11/2013	RE: DWR Flood Risk Report - Opportunity to comment?	Nichol, Eric@DeltaCouncil	Pearson, Jessica@DeltaCouncil	Coolidge, Keith@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Lischeske, Carl@Delta Council
M	M005714		04/12/2013	in response to your request	Isenberg, Phil@DeltaCouncil	Howard, Tom@Waterboards	Knopp, Chris@DeltaCouncil /CN=RECIPIENTS/CN=DeltaCouncilChristop>
M	M005715	M005715 - M005717	04/15/2013	RE: Meeting to discuss Delta Plan policy DP P1: Locate New Development Wisely and consistency between DPC, DSC and Sacramento County plans.	Messer, Cindy@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Johnston, Patrick@Calhealthplans ; Machado, Michael@DPC ; nottolid@saccounty.net	Thomason, Christie@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Davenport, Jessica@DeltaCouncil
M	M005717	M005715 - M005717	04/15/2013	Attachment: Revisions Needed to Delta Plan Related to DP P1: Locate New Urban Development Wisely			
M	M005718		04/16/2013	RE: Urban, non-project levee near West Sac	Dudas, Joel@DWR	Nichol, Eric@DeltaCouncil ; Mraz, David@DWR ; Bagheban, Sean@DWR ; Lawson, David@DWR	
M	M005719		04/16/2013	RE: Delta Plan revisions - preparing the redline version for May release	Cinamon.Vann@CH2M.com	Davenport, Jessica@DeltaCouncil	
M	M005723	M005723 - M005746	04/16/2013	LAO on flood stuff and CalFED Bay-Delta`	Isenberg, Phil@DeltaCouncil	Knopp, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil	
M	M005724	M005723 - M005746	04/16/2013	Attachment: Water Policy Issues Facing the State dated February 2005 from Legislative Analyst's Office			

M	M005747		04/17/2013	RE: Question re. NCCPs	Philip Pogledich	Stevens, Chris@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil
M	M005749		04/19/2013	FW: FW: Map for DSC Econ. Sust. Plan	Westhoff, Alex@DPC	Nichol, Eric@DeltaCouncil	
M	M005752		04/22/2013	Re: DP 352 / Fig 7-5, Delta Flood Management	Laura Daly	Nichol, Eric@DeltaCouncil	Cinamon.Vann@CH2M.com
M	M005754	M005754 - M005756	04/22/2013	Executive Staff Meeting Notes - 04-22-2013	Correa, Lindsay@DeltaCouncil	Hoenicke, Rainer@DeltaCouncil	Goodwin, Peter@DeltaCouncil ; Hastings, Lauren@DeltaCouncil
M	M005755	M005754 - M005756	04/22/2013	Attachment: Executive Staff Meeting Notes dated April 22, 2013			
M	M005757		04/22/2013	Stripers or bass?	Ray, Dan@DeltaCouncil	Hoenicke, Rainer@DeltaCouncil ; Fiorini, Randy ; Knopp, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Harader, Sam@DeltaCouncil ; Stevens, Chris@DeltaCouncil	
M	M005758		04/22/2013	Minor change to ER R1 per Amy Fowler	Cinamon.Vann@CH2M.com	Bradley, Mark@DeltaCouncil	Messer, Cindy@DeltaCouncil
M	M005759	M005759 - M005762	04/24/2013	FW: Modified Proposed Regulations	Ray, Dan@DeltaCouncil	Hoenicke, Rainer@DeltaCouncil	Stevens, Chris@DeltaCouncil ; Messer, Cindy@DeltaCouncil
M	M005760	M005759 - M005762	04/24/2013	Attachment: Letter from Department of Fish and Wildlife dated April 22, 2013 re Modified Proposed Rulemaking Documents			
M	M005763		04/24/2013	RE: Delta Objective Statement for Update 2013	Lischeske, Carl@Delta Council	Messer, Cindy@DeltaCouncil	Samsam, Kevan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Martha Davis

M	M005765		04/24/2013	Starting Delta Plan implementation on the right foot	Ray, Dan@DeltaCouncil	Knopp, Chris@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Hoenicke, Rainer@DeltaCouncil ; Goodwin, Peter@DeltaCouncil	
M	M005766		04/25/2013	Bypasses + regulated streams	Ray, Dan@DeltaCouncil	Nichol, Eric@DeltaCouncil	
M	M005767		04/25/2013	Re: Bypasses + regulated streams	Lischeske, Carl@Delta Council	Nichol, Eric@DeltaCouncil	
M	M005768		04/26/2013	RE: Regulated streams	Marino, Len@DWR	Lischeske, Carl@Delta Council ; Taras, Curt@DWR	Nichol, Eric@DeltaCouncil ; Ray, Dan@DeltaCouncil
M	M005770	M005770 - M005774	04/29/2013	FW: draft letter responsive to your quetions	Ray, Dan@DeltaCouncil	Hoenicke, Rainer@DeltaCouncil ; Harader, Sam@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil	
M	M005772	M005770 - M005774	04/29/2013	Attachment: Letter from Department of Fish and Wildlife re Response to Questions Concerning Opportunities to Minimize Habitat Improvements that Increase Habitat Suitability for Nonnative Invasive Species, Striped Bass or Bass			
M	M005775	M005775 - M005896	04/29/2013	Suggestions on background information for the May DSC meeting	Isenberg, Phil@DeltaCouncil	Knopp, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil	

M	M005776	M005775 - M005896	04/29/2013	Attachment: Public Testimony Received during Delta Plan Process: Scoping Meetings, Early Action Meetings and Council Meetings			
M	M005897		04/29/2013	Suggestions on background information for the May DSC meeting	Isenberg, Phil@DeltaCouncil	Knopp, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil	
M	M005899	M005899 - M005916	05/01/2013	SLDMWA Comments/Suggested Edits to Revised Delta Plan Executive Summary	Greg Zlotnick	Messer, Cindy@DeltaCouncil	Knopp, Chris@DeltaCouncil
M	M005900	M005899 - M005916	05/01/2013	Attachment: Comments/Suggested Edits to April 2013 Revised Delta Plan Executive Summary Provided by San Luis & Delta Mendota Water Authority			
M	M005906	M005899 - M005916	05/01/2013	Attachment: Executive Summary Highlighted Text re Comments			
M	M005917		05/02/2013	Thanks for meeting	Ray, Dan@DeltaCouncil	Luebberke, John@stocktongov	
M	M005918		05/02/2013	Today's meeting w/ Stockton	Ray, Dan@DeltaCouncil	Johnston, Patrick@Calhealthplans ; Isenberg, Phil@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Stevens, Chris@DeltaCouncil	Samsam, Kevan@DeltaCouncil
M	M005920	M005920 - M005922	05/02/2013	RE: new file attached	Burt Wilson	Messer, Cindy@DeltaCouncil	
M	M005922	M005920 - M005922	05/02/2013	Attachment: Public Water News Service Letter re Notice of Additional Document for Public Review			
M	M005923	M005923 - M005941	05/02/2013	Fw: SLDMWA Comments/Suggested Edits to Revised Delta Plan Executive Summary	Messer, Cindy@DeltaCouncil	Pearson, Jessica@DeltaCouncil ; Coolidge, Keith@DeltaCouncil ; Isenberg, Phil@DeltaCouncil ; Ray, Dan@DeltaCouncil ; mdavis@ieua.orgJohn Hart	Knopp, Chris@DeltaCouncil

M	M005925	M005923 - M005941	05/02/2013	Attachment: Comments/Suggested Edits to April 2013 Revised Delta Plan Executive Summary Provided by San Luis & Delta Mendota Water Authority			
M	M005931	M005923 - M005941	05/02/2013	Attachment: Executive Summary Highlighted Text re Comments			
M	M005942		05/04/2013	ESP	Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil	
M	M005943	M005943 - M005954	05/06/2013	Final Delta Plan Programmatic EIR - evidence of web posting	Messer, Cindy@DeltaCouncil	Heather.Waldrop@CH2M.com	Andrew, James@HSR ; Stevens, Chris@DeltaCouncil ; Mark.Oliver@CH2M.com; Mark.Bransom@CH2M.com
M	M005944	M005943 - M005954	05/06/2013	Attachment: Final Programmatic EIR Web Page as of May 3, 2013			
M	M005955	M005955 - M005957	05/07/2013	FW: new file attached	Messer, Cindy@DeltaCouncil	Lischeske, Carl@Delta Council ; Nichol, Eric@DeltaCouncil ; Samsam, Kevan@DeltaCouncil ; Bradley, Mark@DeltaCouncil ; Davenport, Jessica@DeltaCouncil ; OConnor, Jessica@DeltaCouncil	
M	M005957	M005955 - M005957	05/07/2013	Attachment: Public Water News Service Letter re Notice of Additional Document for Public Review			
M	M005958	M005958 - M005959	05/08/2013	FW: City of Stockton proposed revision to DSC plan and/or regulation	Steve Herum	Ray, Dan@DeltaCouncil	Thomason, Christie@DeltaCouncil
M	M005959	M005958 - M005959	05/08/2013	Attachment: Draft Language			
M	M005960		05/08/2013	RE: City of Stockton proposed revision to DSC plan and/or regulation	Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil	
M	M005962		05/08/2013	RE: City of Stockton proposed revision to DSC plan and/or regulation	Ray, Dan@DeltaCouncil	Steve Herum	

M	M005963	M005963 - M005964	05/08/2013	FW: City of Stockton proposed revision to DSC plan and/or regulation	Ray, Dan@DeltaCouncil	Messer, Cindy@DeltaCouncil	
M	M005964	M005963 - M005964	05/08/2013	Attachment: Draft Language			
M	M005965		05/08/2013	Isenberg comments on latest draft version of the Ex Summary	Isenberg, Phil@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Knopp, Chris@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; mdavis@ieua.org; John Hart	
M	M005966		05/08/2013	quotes in Maven's summary of the Jt Committee hearing on BDCP http://mavensnotebook.com/2013/05/08/mavens-minutes-joint-informational-hearing-natural-reasources-and-water-and-select-committee-on-the-sacramento-san-j	Pearson, Jessica@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M005979		05/08/2013	Some interesting quotes in Maven's summary of the Jt Committee hearing on BDCP http://mavensnotebook.com/2013/05/08/mavens-minutes-joint-informational-hearing-natural-reasources-and-water-and-select-committee-on-the-sacramento-san-joaqu	Isenberg, Phil@DeltaCouncil	Knopp, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Martha Davis ; Stevens, Chris@DeltaCouncil	
M	M005992	M005992 - M005994	05/09/2013	Delta Plan and ag	Ray, Dan@DeltaCouncil	Fiorini, Randy	
M	M005993	M005992 - M005994	05/09/2013	Attachment: Memo from Dan Ray to Randy Fiorini dated May 9, 2013 re Support for Agriculture in the Delta Plan			
M	M005995		05/09/2013	RE: Executive Summary - Chris K's comments	Ray, Dan@DeltaCouncil	John Hart	

M	M005997	M005997 - M005999	05/09/2013	FYI	Pearson, Jessica@DeltaCouncil	Messer, Cindy@DeltaCouncil ; Lischeske, Carl@Delta Council ; Samsam, Kevan@DeltaCouncil ; Bradley, Mark@DeltaCouncil ; Davenport, Jessica@DeltaCouncil ; Nichol, Eric@DeltaCouncil ; Coolidge, Keith@DeltaCouncil	
M	M005998	M005997 - M005999	05/09/2013	Attachment: Kip Briefing Document			
M	M006000		05/09/2013	Fwd: Final meetings for voting on the Delta Plan!	John Wark	Isenberg, Phil@DeltaCouncil	
M	M006003		05/10/2013	RE: City of Stiockton water plans	Davis, Martha@Delta Council	Ray, Dan@DeltaCouncil	
M	M006006	M006006 - M006289	05/10/2013	FW: TEST EMAIL	Thomason, Christie@DeltaCouncil	Ray, Dan@DeltaCouncil	
M	M006008	M006006 - M006289	05/10/2013	Attachment: Public Water News Service Letter re Notice of Additional Document for Public Review			
M	M006222	M006006 - M006289	05/10/2013	Attachment: 2010 City of Stock Urban Water Management Plan dated May 26, 2011			
M	M006290	M006290 - M006310	05/10/2013	FW: TEST EMAIL	Thomason, Christie@DeltaCouncil	Ray, Dan@DeltaCouncil	
M	M006292	M006290 - M006310	05/10/2013	Attachment: FW Request for information.htm			
M	M006311		05/10/2013	FW: City of Stiockton water plans	Ray, Dan@DeltaCouncil	Mark.Bransom@CH2M.com; Davenport, Jessica@DeltaCouncil	
M	M006314	M006314 - M006597	05/10/2013	City of Stiockton water plans	Ray, Dan@DeltaCouncil	Mark.Bransom@CH2M.com; Davenport, Jessica@DeltaCouncil ; Davis, Martha@Delta Council	Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil
M	M006316	M006314 - M006597	05/10/2013	Attachment: Public Water News Service Letter re Notice of Additional Document for Public Review			
M	M006530	M006314 - M006597	05/10/2013	Attachment: 2010 City of Stock Urban Water Management Plan dated May 26, 2011			
M	M006598		05/10/2013	Letter re Delta Plan	Ray, Dan@DeltaCouncil	Ellen Hanak	

M	M006599		05/10/2013	Ag in the Delta Plan	Ray, Dan@DeltaCouncil	Fiorini, Randy	
M	M006600		05/10/2013	RE: City of Stiockton water plans	Davis, Martha@Delta Council	Ray, Dan@DeltaCouncil	
M	M006603		05/13/2013	DFW will endorse Delta Plan	Ray, Dan@DeltaCouncil	Knopp, Chris@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Coolidge, Keith@DeltaCouncil
M	M006604		05/13/2013	RE: John Laird will write a letter in support of the DP	Ray, Dan@DeltaCouncil	Isenberg, Phil@DeltaCouncil	
M	M006605		05/13/2013	RE: City of Stiockton water plans	Davenport, Jessica@DeltaCouncil	Ray, Dan@DeltaCouncil ; Mark.Bransom@CH2M.com; Davis, Martha@Delta Council	Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil
M	M006608		05/13/2013	RE: City of Stiockton water plans	Davenport, Jessica@DeltaCouncil	Ray, Dan@DeltaCouncil ; Mark.Bransom@CH2M.com; Davis, Martha@Delta Council	Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil
M	M006610		05/13/2013	DFW will endorse Delta Plan	Ray, Dan@DeltaCouncil	Knopp, Chris@DeltaCouncil	Isenberg, Phil@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Coolidge, Keith@DeltaCouncil
M	M006611		05/13/2013	John Laird will write a letter in support of the DP	Isenberg, Phil@DeltaCouncil	Knopp, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; mdavis@ieua.org; Messer, Cindy@DeltaCouncil	
M	M006612		05/13/2013	Re: Columbia Basin Program Governance	Fiorini, Randy@DeltaCouncil	Will Stelle - NOAA Federal	Isenberg, Phil@DeltaCouncil ; Rea, Maria@NOAA ; rod.mcinnis@noaa.gov; Martin, Elaine@DeltaCouncil ; Knopp, Chris@DeltaCouncil

M	M006613	M006613 - M006620	05/14/2013	FW: City of Stiockton water plans	Gwendolyn.Buchholz@CH2M.com	Davenport, Jessica@DeltaCouncil	Mark.Bransom@CH2M.com; Kia.Alexander@ch2m.com; Bucholz, Gwendolyn@VENDOR-CH2M ; Ray, Dan@DeltaCouncil ; mdavis@ieua.org; Messer, Cindy@DeltaCouncil ; Stevens, Chris@DeltaCouncil
M	M006616	M006613 - M006620	05/14/2013	Attachment: Development and Water Supply Plans for Southwest Stockton Area			
M	M006621	M006621 - M006625	05/14/2013	EWC Delta Plan Comment Letter	Troutnk@aol.com	Messer, Cindy@DeltaCouncil	
M	M006622	M006621 - M006625	05/14/2013	Attachment: Environmental Water Caucus Comments on Final Delta Plan dated May 14, 2013			
M	M006626		05/14/2013	RE: EWC Delta Plan Comment Letter	Messer, Cindy@DeltaCouncil	troutnk@aol.com	
M	M006627	M006627 - M006670	05/14/2013	Email and attachments for the EIR Administrative Record	Messer, Cindy@DeltaCouncil	Heather.Waldrop@CH2M.com	Mark.Bransom@CH2M.com; Andrew, James@HSR ; Stevens, Chris@DeltaCouncil
M	M006628	M006627 - M006670	05/14/2013	Attachment: Final Programmatic EIR Web Page as of May 9, 2013			
M	M006640	M006627 - M006670	05/14/2013	Attachment: Final Programmatic EIR Web Page as of May 10, 2013 adding Errata #2			
M	M006652	M006627 - M006670	05/14/2013	Attachment: Final Programmatic EIR Web Page as of May 9, 2013			
M	M006661	M006627 - M006670	05/14/2013	Attachment: RSS Feed for Final Programmatic EIR Separate Letters Page			
M	M006671	M006671 - M006673	05/14/2013	FW: Water transfers - draft e-mail response	Samsam, Kevan@DeltaCouncil	Bradley, Mark@DeltaCouncil	
M	M006672	M006671 - M006673	05/14/2013	Attachment: Contract Extension Process			
M	M006674	M006674 - M006818	05/14/2013	FW: Draft Final Delta Plan	Harader, Sam@DeltaCouncil	Bradley, Mark@DeltaCouncil	

M	M006676	M006674 - M006818	05/14/2013	Attachment: Groundwater Quality Protection Strategy for Central Valley Region (Roadmap)			
M	M006677	M006674 - M006818	05/14/2013	Attachment: Central Valley Regional Water Quality Control Board Groundwater Quality Protection Strategy a "Roadmap" for the Central Valley Region dated August 2010			
M	M006777	M006674 - M006818	05/14/2013	Attachment: Future Actions List and Workplan for August 2010 Groundwater Quality Protection Strategy for Central Valley Region, a Roadmap			
M	M006817	M006674 - M006818	05/14/2013	Attachment: Status Report on June 2011 Workplan for August 2010 Groundwater Quality Protection Strategy for Central Valley Region, A Roadmap			
M	M006818	M006674 - M006818	05/14/2013	Attachment: CVRWQCB Roadmap Webpage			
M	M006819	M006819 - M006827	05/15/2013	Info relative to City of Stockton comments re Delta Plan and its water plans	Ray, Dan@DeltaCouncil	Stevens, Chris@DeltaCouncil ; Andrew, James@HSR	Bucholz, Gwendolyn@VENDOR-CH2M ; Messer, Cindy@DeltaCouncil ; Davenport, Jessica@DeltaCouncil
M	M006823	M006819 - M006827	05/15/2013	Attachment: Development and Water Supply Plans for Southwest Stockton Area			
M	M006828		05/15/2013	RE: Comment letter	Messer, Cindy@DeltaCouncil	Jean Seaton ; Knopp, Chris@DeltaCouncil ; eircomments@deltacouncil.c a.gov	Thomas W. Birmingham ; Craig Manson ; dan.nelson@sldmwa.org; Rubin, Jon@sldmwa.org ; Andrea A. Matarazzo
M	M006829	M006829 - M006834	05/15/2013	FW: Comment on the Delta Plan Final PEIR	Messer, Cindy@DeltaCouncil	Rosemarie.Dimacali@ch2m.c om; Dimacali, Rosemarie@DeltaCouncil	

M	M006830	M006829 - M006834	05/15/2013	Attachment: Letter from Friends of the River dated May 15, 2013, re Comments on Proposed Adoption of Delta Plan			
M	M006835	M006835 - M006840	05/15/2013	FW: Comment on the Delta Plan Final PEIR	Messer, Cindy@DeltaCouncil	Alvarez, Eric@DeltaCouncil ; Boeger, Dusty@DeltaCouncil	
M	M006836	M006835 - M006840	05/15/2013	Attachment: Letter from Friends of the River dated May 15, 2013, re Comments on Proposed Adoption of Delta Plan			
M	M006841		05/15/2013	RE: Comment on the Delta Plan Final PEIR	Messer, Cindy@DeltaCouncil	Katy Cotter	Bob Wright
M	M006842	M006842 - M006847	05/15/2013	FW: Comment on the Delta Plan Final PEIR	Messer, Cindy@DeltaCouncil	Stevens, Chris@DeltaCouncil ; Andrew, James@HSR ; garber@smwlaw.com; Gabriel M.B. Ross	Dan Siegel ; Christie Vosburg ; Ray, Dan@DeltaCouncil ; Knopp, Chris@DeltaCouncil
M	M006843	M006842 - M006847	05/15/2013	Attachment: Letter from Friends of the River dated May 15, 2013, re Comments on Proposed Adoption of Delta Plan			
M	M006848	M006848 - M006853	05/15/2013	Comment on the Delta Plan Final PEIR	Katy Cotter	Messer, Cindy@DeltaCouncil	Katy Cotter ; Bob Wright
M	M006849	M006848 - M006853	05/15/2013	Attachment: Letter from Friends of the River dated May 15, 2013, re Comments on Proposed Adoption of Delta Plan			
M	M006854	M006854 - M006855	05/15/2013	FW: letter on Delta Plan adoption	Isenberg, Phil@DeltaCouncil	Knopp, Chris@DeltaCouncil ; Stevens, Chris@DeltaCouncil ; Pearson, Jessica@DeltaCouncil ; Messer, Cindy@DeltaCouncil ; mdavis@ieua.org	
M	M006855	M006854 - M006855	05/15/2013	Attachment: Letter from Ellen Hanak, PPIC, to Phil Isenberg dated May 15, 2013			
M	M006856		05/15/2013	Email to DSC Staff re New Material Posted Today for DSC Meeting May 16, 2013			

M	M006858		05/15/2013	Email to DSC Staff re Revised CEQA Resolution			
M	M006866		05/16/2013	Re: PL-99 Comment Made at DSC Meeting	Ray, Dan@DeltaCouncil	Cosio, Gilbert@mbkengineers.com	
M	M006867		05/16/2013	RE: Joint SWC-SLDMWA Comments re: Delta Plan Final Programmatic Environmental Impact Report [SCH #2010122028]	Messer, Cindy@DeltaCouncil	Linda Standlee ; Rubin, Jon@sldmwa.org	Brenda Burman ; Robert C. Horton ; Zlotnick, Greg@sldmwa.org ; Stefanie Morris
M	M006869		05/16/2013	PL-99 Comment Made at DSC Meeting	Gilbert Cosio	Ray, Dan@DeltaCouncil	Lischeske, Carl@Delta Council ; nottolid@saccounty.net; Fiorini, Randy ; Nichol, Eric@DeltaCouncil
M	M006870		05/17/2013	RE: Joint SWC-SLDMWA Comments re: Delta Plan Final Programmatic Environmental Impact Report [SCH #2010122028]	Messer, Cindy@DeltaCouncil	Knopp, Chris@DeltaCouncil ; Ray, Dan@DeltaCouncil	
M	M006872	M006872 - M006880	05/17/2013	FW: Joint SWC-SLDMWA Comments re: Delta Plan Final Programmatic Environmental Impact Report [SCH #2010122028]	Messer, Cindy@DeltaCouncil	Alvarez, Eric@DeltaCouncil ; Boeger, Dusty@DeltaCouncil	Rosemarie.Dimacali@ch2m.c om
M	M006874	M006872 - M006880	05/17/2013	Attachment: Letter to Cindy Messer from San Luis Mendota Water Authority & State Water Contractors re Delta Plan Final Programmatic Environmental Impact Report SCH# 2010122028			
Record Section	Bates Number	DOCUMENT TITLE/TOPIC	DATE	DVD #	Comments		
M2 Non-Email Internal Agency Correspondance and Staff Notes							
Correa, Lindsay							
M	M006881	CALFED Ecosystem Restoration Program Adaptive Management Powerpoint Presentation with Handwritten Notes by Correa	April 25, 2007				
M	M006895	Delta Science Program Input to Delta Plan Adaptive Management Sections Agenda with Handwritten Notes by Correa	February 1, 2011				

M	M006896	Table 1 Comments Related to Major Policies and Recommendations with Handwritten Notes by Correa	March 15-16, 2012				
M	M006908	Table 2 Potential Editing Drafting Revisions to 5th Draft Delta Plan Text with Handwritten Notes by Correa	March 15-16, 2012				
M	M006912	Delta Plan Coordination Meeting Agenda with Handwritten Notes by Correa	July 10, 2012				
M	M006913	Adaptive Management with Handwritten Notes and Workshop Planning Checklist by Correa	Undated				
M	M006915	Delta Plan Author's Workshop Agenda with Handwritten Notes by Correa	Undated				
M	M006916	Internal DSC Meeting Next Steps Discussion on Delta Plan with Handwritten Notes by Correa	Undated				
M	M006917	San Joaquin River Ship Channel Dissolved OxygenPowerpoint Slide with Handwritten Notes by Correa	Undated				
M	M006919	Science in the Delta with Handwritten Notes by Correa	Undated				
M	M006920	2012 Schedule for Revising Final Staff Draft Delta Plan Internal Meeting with Handwritten Notes by Correa	Undated				
Harrader, Sam							
M	M006921	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	January 4, 2010				
M	M006923	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	January 21, 2010				
M	M006925	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	February 1, 2010				
M	M006927	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	February 8, 2010				
M	M006929	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	February 22, 2010				
M	M006931	Email Regarding Delta Science NMFS Financial Agreement from Harader	March 1, 2010				
M	M006932	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	March 1, 2010				
M	M006934	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	March 8, 2010				
M	M006936	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	March 15, 2010				
M	M006938	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	April 5, 2010				
M	M006939	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	April 12, 2010				
M	M006940	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	April 19, 2010				
M	M006941	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	April 26, 2010				
M	M006943	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	May 3, 2010				
M	M006945	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	May 10, 2010				

M	M006947	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	May 17, 2010				
M	M006949	Science Program Staff Meeting Agenda with Handwritten Notes by Harader	May 19, 2010				
M	M006950	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	May 24, 2010				
M	M006952	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	July 19, 2010				
M	M006954	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	July 26, 2010				
M	M006955	Fiscal Year 2010 Delta Science Status of Funds with Handwritten Notes by Harader	August 1, 2010				
M	M006956	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	August 2, 2010				
M	M006957	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	August 9, 2010				
M	M006959	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	August 16, 2010				
M	M006961	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	August 30, 2010				
M	M006962	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	October 25, 2010				
M	M006964	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	November 1, 2010				
M	M006966	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	November 10, 2010				
M	M006968	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	November 22, 2010				
M	M006969	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	November 29, 2010				
M	M006970	Science Program Managers Meeting Agenda with Handwritten Notes by Harader	December 20, 2010				
M	M006971	Notes and Action Items from February 26 Communications Meeting with Handwritten Notes by Harader	Undated				
M	M006972	2010 Science Program Management Science Program Manager Duties with Handwritten Notes by Harader	Undated				
Lischeske, Carl							
M	M006974	Definitions and Policies Chapter 7 Planning for Flood Management (Lischeske)	Undated				
Messer, Cindy							
M	M006976	Draft Completion Schedule for Delta Plan Internal Staff Working Document	March 2, 2012				
M	M006979	Draft Completion Schedule for Delta Plan Internal Staff Working Document	March 20, 2012				
M	M006982	Draft Completion Schedule for Delta Plan Internal Staff Working Document	March 27, 2012				
M	M006987	Draft Completion Schedule for Delta Plan Internal Staff Working Document	April 3, 2012				
M	M006992	Delta Plan Coordination Meeting Agenda with Handwritten Notes by Messer	April 9, 2012				

M	M006994	Draft Completion Schedule for Delta Plan Internal Staff Working Document	April 10, 2012				
M	M006999	Draft Completion Schedule for Delta Plan Internal Staff Working Document	April 17, 2012				
M	M007004	Draft Completion Schedule for Delta Plan Internal Staff Working Document	April 24, 2012				
M	M007009	Delta Plan Coordination Meeting Agenda	April 24, 2012				
M	M007010	Draft Completion Schedule for Delta Plan Internal Staff Working Document	May 1, 2012				
M	M007014	Delta Plan Coordination Meeting Agenda	May 1, 2012				
M	M007015	Draft Completion Schedule for Delta Plan Internal Staff Working Document	May 9, 2012				
M	M007020	Delta Plan Coordination Meeting Agenda	May 9, 2012				
M	M007021	Delta Plan Coordination Meeting Agenda	May 15, 2012				
M	M007022	Draft Completion Schedule for Delta Plan Internal Staff Working Document	May 22, 2012				
M	M007026	Delta Plan Coordination Meeting Agenda (redacted)	May 22, 2012				
M	M007027	Draft Completion Schedule for Delta Plan Internal Staff Working Document	May 29, 2012				
M	M007031	Delta Plan Coordination Meeting Agenda (redacted)	May 29, 2012				
M	M007032	Draft Completion Schedule for Delta Plan Internal Staff Working Document	June 12, 2012				
M	M007035	Delta Plan Coordination Meeting Agenda	June 12, 2012				
M	M007036	Delta Plan Coordination Meeting Agenda with Handwritten Notes by Messer	June 18, 2012				
M	M007039	Draft Completion Schedule for Delta Plan Internal Staff Working Document	June 19, 2012				
M	M007042	Delta Plan Coordination Meeting Agenda	June 19, 2012				
M	M007043	Delta Plan Coordination Meeting Agenda	June 26, 2012				
M	M007044	Delta Plan Coordination Meeting Agenda	July 3, 2012				
M	M007047	Delta Plan Coordination Meeting Agenda	July 3, 2012				
M	M007048	Draft Completion Schedule for Delta Plan Internal Staff Working Document	July 10, 2012				
M	M007051	Delta Plan Coordination Meeting Agenda	July 10, 2012				
M	M007052	Draft Completion Schedule for Delta Plan Internal Staff Working Document	July 17, 2012				
M	M007056	Delta Plan Coordination Meeting Agenda	July 17, 2012				
M	M007057	Draft Completion Schedule for Delta Plan Internal Staff Working Document	July 24, 2012				
M	M007061	Delta Plan Coordination Meeting Agenda	July 24, 2012				
M	M007062	Draft Completion Schedule for Delta Plan Internal Staff Working Document	July 31, 2012				
M	M007066	Delta Plan Coordination Meeting Agenda	July 31, 2012				
M	M007067	Draft Completion Schedule for Delta Plan Internal Staff Working Document	August 7, 2012				
M	M007070	Delta Plan Coordination Meeting Agenda	August 7, 2012				
M	M007071	Draft Completion Schedule for Delta Plan Internal Staff Working Document	August 14, 2012				
M	M007075	Delta Plan Coordination Meeting Agenda	August 14, 2012				
M	M007076	Draft Completion Schedule for Delta Plan Internal Staff Working Document	August 21, 2012				
M	M007080	Delta Plan Coordination Meeting Agenda	August 21, 2012				
M	M007081	Draft Completion Schedule for Delta Plan Internal Staff Working Document	September 4, 2012				
M	M007085	Delta Plan Coordination Meeting Agenda	September 4, 2012				
M	M007086	Draft Completion Schedule for Delta Plan Internal Staff Working Document	September 18, 2012				
M	M007090	Delta Plan Coordination Meeting Agenda	September 18, 2012				
M	M007091	Draft Completion Schedule for Delta Plan Internal Staff Working Document	September 25, 2012				
M	M007095	Delta Plan Coordination Meeting Agenda	September 25, 2012				
M	M007096	Draft Completion Schedule for Delta Plan Internal Staff Working Document	October 2, 2012				
M	M007100	Delta Plan Coordination Meeting Agenda	October 2, 2012				
M	M007101	Draft Completion Schedule for Delta Plan Internal Staff Working Document	October 9, 2012				
M	M007105	Delta Plan Coordination Meeting Agenda	October 9, 2012				
M	M007106	Delta Plan Coordination Meeting Agenda	October 23, 2012				

M	M007110	Draft Completion Schedule for Delta Plan Internal Staff Working Document	October 23, 2012				
M	M007111	Draft Completion Schedule for Delta Plan Internal Staff Working Document	October 30, 2012				
M	M007117	Delta Plan Coordination Meeting Agenda	October 30, 2012				
M	M007118	Draft Completion Schedule for Delta Plan Internal Staff Working Document	November 6, 2012				
M	M007125	Delta Plan Coordination Meeting Agenda	November 6, 2012				
M	M007126	Draft Completion Schedule for Delta Plan Internal Staff Working Document	November 7, 2012				
M	M007132	Delta Plan Coordination Meeting Agenda	November 13, 2012				
M	M007133	Draft Completion Schedule for Delta Plan Internal Staff Working Document	November 20, 2012				
M	M007142	Delta Plan Coordination Meeting Agenda	November 20, 2012				
M	M007143	Draft Completion Schedule for Delta Plan Internal Staff Working Document	November 27, 2012				
M	M007151	Draft Completion Schedule for Delta Plan Internal Staff Working Document	November 27, 2012				
M	M007152	Draft Completion Schedule for Delta Plan Internal Staff Working Document	December 11, 2012				
M	M007160	Delta Plan Coordination Meeting Agenda	December 11, 2012				
M	M007161	Draft Completion Schedule for Delta Plan Internal Staff Working Document	December 18, 2012				
M	M007169	Delta Plan Coordination Meeting Agenda	December 18, 2012				
M	M007170	Handwritten Notes on Meeting Goals by Messer	December 18, 2012				
M	M007172	Draft Completion Schedule for Delta Plan Internal Staff Working Document	January 8, 2013				
M	M007173	Delta Plan Coordination Meeting Agenda	January 22, 2013				
M	M007174	Delta Plan Coordination Meeting Agenda (redacted)	January 29, 2013				
M	M007176	February 4, 2013 Version DSC Delta Plan EIR Regulations Schedule	February 4, 2013				
M	M007177	February 14, 2013 Version DSC Delta Plan EIR Regulations Schedule	February 14, 2013				
M	M007178	Delta Plan Coordination Meeting Agenda	February 19, 2013				
M	M007180	February 25, 2013 Version DSC Delta Plan EIR Regulations Schedule	February 25, 2013				
M	M007182	Delta Plan Coordination Meeting Agenda	February 26, 2013				
M	M007184	March 1, 2013 Version DSC Delta Plan EIR Regulations Schedule	March 1, 2013				
M	M007186	March 4, 2013 Version DSC Delta Plan EIR Regulations Schedule	March 4, 2013				
M	M007188	Delta Plan Coordination Meeting Agenda	March 5, 2013				
M	M007190	March 26, 2013 Version DSC Delta Plan EIR Regulations Schedule	March 26, 2013				
M	M007192	Delta Plan Coordination Meeting Agenda 1	April 8, 2013				
M	M007193	Delta Plan Coordination Meeting Agenda 2	April 8, 2013				
M	M007195	April 9, 2013 Version DSC Delta Plan EIR Regulations Schedule	April 9, 2013				
M	M007197	April 15, 2013 Version DSC Delta Plan EIR Regulations Schedule with Handwritten Notes by Messer	April 15, 2013				
M	M007199	Delta Plan Coordination Meeting Agenda	April 16, 2013				
M	M007200	April 16, 2013 Version DSC Delta Plan EIR Regulations Schedule	April 16, 2013				
M	M007202	Delta Plan Coordination Meeting Agenda	April 23, 2013				
M	M007203	Delta Plan Coordination Meeting Agenda with Handwritten Notes by Messer	April 23, 2013				
M	M007204	Delta Plan Coordination Meeting Agenda	April 30, 2013				
M	M007205	Delta Plan Coordination Meeting Agenda with Handwritten Notes by Messer	April 30, 2013				
Ray, Dan							
M	M007207	Draft Completion Schedule for Delta Plan Internal Staff Working Document with Handwritten Notes by Ray	December 21, 2011				
M	M007208	Delta Plan Authors Meeting with Handwritten Notes by Ray	January 4, 2012				

M	M007209	Draft Completion Schedule for Delta Plan Internal Staff Working Document with Handwritten Notes by Ray	January 9, 2012				
M	M007211	Delta Plan Coordination Meeting Agenda with Handwritten Notes by Ray	January 10, 2012				
M	M007212	Draft Completion Schedule for Delta Plan Internal Staff Working Document with Handwritten Notes by Ray	January 25, 2012				
M	M007214	Delta Plan Implementation Meeting Agenda with Handwritten Notes by Ray	February 13, 2012				
M	M007215	Email to Isenberg from Charles Gardiner re Delta Levee Priorities	March 15, 2012				
M	M007218	Draft Completion Schedule for Delta Plan Internal Staff Working Document with Handwritten Notes by Ray	May 22, 2012				
M	M007220	Independent Science Board Comments on Final Staff Draft Delta Plan	June, 2012				
M	M007222	Delta Plan Coordination Meeting Agenda with Handwritten Notes by Ray	October 30, 2012				
M	M007223	Delta Emergency Preparedness Response and Recovery Agency Activities Meeting Agenda with Handwritten Notes by Ray	November 2, 2012				
M	M007226	Memo to Fiorini from Ray and Davenport regarding Support for Agriculture in the Delta Plan	March 27, 2013				
M	M007227	Chapter 5 Delta as Place Working Draft Document	Undated				
M	M007232	Delta as a Place Timeline Policies and Recommendations Working Draft Document	Undated				
M	M007238	Delta Plan Definitions and Relevant Policies	Undated				
M	M007241	DPC Proposal to Protect the Delta as Place	Undated				
M	M007243	Draft of 2012 Delta Science Fellow Priority Research Topics For Release with 2012 Fellows Applications	Undated				
M	M007246	Economic Value of Delta Agriculture Table 8 Top Five Crops in the Delta Working Draft Document Research for Chapter 5 Delta Plan	Undated				
M	M007247	Finance Plan with Handwritten Notes from Meeting by Ray	Undated				
M	M007248	Handwritten Note from Council Meeting regarding BDCP and Finance Plan by Ray	Undated				
M	M007293	The California Delta in the Corn Belt a Comparison to the Top Ten Corn Producing States Working Draft Document Research for Chapter 5 Delta Plan	Undated				
Samsam, Kevan							
M	M007295	Delta Plan Consultation DSC DWR State Water Project Operations Agenda	February 17, 2011				
M	M007296	Handwritten Notes by Samson from Delta Plan Consultation DSC DWR State Water Project Operations Meeting	February 17, 2011				
Record Section	Bates Number		DOCUMENT TITLE/TOPIC	DATE	Comments		
N. APA Rulemaking File Documents Not Already in Sections A to M (in order they appear in Rulemaking File)							
N	N000001	Final Approved Delta Plan Regulations (23 Cal. Code Regs 5001 et seq.) and approval cover letters		August 7, 2013			
N	N000101	Affidavit of Closure		August 5, 2013			
N	N000102	Originally Proposed Regulations Text (including Appendices)		November 16, 2012			
N	N000194	Statement of Mailing Notice of proposed regulatory action		June 25, 2013			
N	N000195	Initial Statement of Reasons		November 1, 2012			
N	N000209	November 15, 2012 Delta Stewardship Council Meeting - Cover letter dated November 8th.		November 15, 2012			
N	N000211	November 15, 2012 Delta Stewardship Council Meeting - Legal Update November 15, 2012 by Tori		November 15, 2012			
N	N000212	November 15, 2012 Delta Stewardship Council Meeting - Item 9 - Lead Scientist's Report - Policy		November 15, 2012			

N	N000222	November 15, 2012 Delta Stewardship Council Meeting - Item 4a - Legal Update DWR Eminent Domain	November 15, 2012			
N	N000225	November 15, 2012 Delta Stewardship Council Meeting - Item 6 - Presentation from San Francisco	November 15, 2012			
N	N000227	November 15, 2012 Delta Stewardship Council Meeting - Item 6 - SFEI Presentation - Sacramento-San	November 15, 2012			
N	N000314	November 15, 2012 Delta Stewardship Council Meeting - Item 8a - Plan to Review the Bay Delta	November 15, 2012			
N	N000317	November 15, 2012 Delta Stewardship Council Meeting - Item 8a - Attachment - Memo from Tara	November 15, 2012			
N	N000327	November 15, 2012 Delta Stewardship Council Meeting - Item 8b - Charge to the Independent Science	November 15, 2012			
N	N000329	November 15, 2012 Delta Stewardship Council Meeting - Item 8b - Attachment - Preliminary Draft	November 15, 2012			
N	N000331	November 15, 2012 Delta Stewardship Council Meeting - Item 9 - Lead Scientist's Report Summary	November 15, 2012			
N	N000332	November 15, 2012 Delta Stewardship Council Meeting - Item 10 - Delta Independent Science Board	November 15, 2012			
N	N000333	December 13, 2012 Delta Stewardship Council Meeting - Cover letter dated December 3, 2012	December 13, 2012			
N	N000335	December 13, 2012 Delta Stewardship Council Meeting - Item 6 - Delta Independent Science Board	December 13, 2012			
N	N000336	December 13, 2012 Delta Stewardship Council Meeting - Item 6 - Attachment - Draft Charge to Delta ISB	December 13, 2012			
N	N000338	December 13, 2012 Delta Stewardship Council Meeting - Item 8 - Letter from State and Federal	December 13, 2012			
N	N000342	December 13, 2012 Delta Stewardship Council Meeting - Item 8 - Lower Yolo Ranch Restoration Project	December 13, 2012			
N	N000348	December 13, 2012 Delta Stewardship Council Meeting - Item 9 - Lead Scientist Delta Science Plan	December 13, 2012			
N	N000367	December 13, 2012 Delta Stewardship Council Meeting - Item 9a - Lead Scientist's Report	December 13, 2012			
N	N000368	January 24, 2013 Delta Stewardship Council Meeting - Cover letter dated January 16, 2013	January 24, 2013			
N	N000370	January 24, 2013 Delta Stewardship Council Meeting - Item 4a - Delta Stewardship Council Bill Tracking	January 24, 2013			
N	N000371	January 24, 2013 Delta Stewardship Council Meeting - Item 4a - Legal Update January 24, 2013 by	January 24, 2013			
N	N000375	January 24, 2013 Delta Stewardship Council Meeting - Item 4b - Delta Stewardship Council Status report	January 24, 2013			
N	N000381	January 24, 2013 Delta Stewardship Council Meeting - Item 6 - Attachment - Term 91: Stored Water	January 24, 2013			
N	N000392	January 24, 2013 Delta Stewardship Council Meeting - Item 6 - Attachment - Excerpts of the Final	January 24, 2013			
N	N000410	January 24, 2013 Delta Stewardship Council Meeting - Item 6 - Powerpoint Presentation Update from	January 24, 2013			
N	N000426	January 24, 2013 Delta Stewardship Council Meeting - Item 6 - Update from the State Water Resources	January 24, 2013			
N	N000427	January 24, 2013 Delta Stewardship Council Meeting - Item 7 - List of Delta Science Fellows Making	January 24, 2013			
N	N000428	January 24, 2013 Delta Stewardship Council Meeting - Item 7 - Presentation from the 2011 and 2012	January 24, 2013			
N	N000429	January 24, 2013 Delta Stewardship Council Meeting - Item 8 - Attachment - Memo from Dave	January 24, 2013			
N	N000434	January 24, 2013 Delta Stewardship Council Meeting - Item 8 - Attachment - Preliminary Draft - Delta	January 24, 2013			
N	N000437	January 24, 2013 Delta Stewardship Council Meeting - Item 8 - Lead Scientists Report	January 24, 2013			
N	N000439	January 24, 2013 Delta Stewardship Council Meeting - Item 9 - Attachment - Preliminary Draft -	January 24, 2013			
N	N000448	January 24, 2013 Delta Stewardship Council Meeting - Item 9 - Delta Independent Science Board Report	January 24, 2013			
N	N000449	February 21, 2013 Delta Stewardship Council Meeting - Cover letter dated February 13, 2013	February 21, 2013			
N	N000451	February 21, 2013 Delta Stewardship Council Meeting - Letter from O'Laughlin & Paris LLP dated March	February 21, 2013			
N	N000462	February 21, 2013 Delta Stewardship Council Meeting - Letter from O'Laughlin & Paris LLP dated March	February 21, 2013			
N	N000465	February 21, 2013 Delta Stewardship Council Meeting - Item 4a - Legal Update by Tori Sundheim, Legal	February 21, 2013			
N	N000468	February 21, 2013 Delta Stewardship Council Meeting - Item 4a - Delta Stewardship Council Bill Tracking	February 21, 2013			
N	N000470	February 21, 2013 Delta Stewardship Council Meeting - Item 7 - Attachment - BDCP: Based on Science,	February 21, 2013			
N	N000472	February 21, 2013 Delta Stewardship Council Meeting - Item 7 - Bay Delta Consevation Plan	February 21, 2013			
N	N000476	February 21, 2013 Delta Stewardship Council Meeting - Item 8 - Lower San Joaquin River Flow	February 21, 2013			
N	N000481	February 21, 2013 Delta Stewardship Council Meeting - Item 8 - Attachment - Appendix K - Revised	February 21, 2013			
N	N000500	February 21, 2013 Delta Stewardship Council Meeting - Item 8 - Attachment - State Water Board Bay-	February 21, 2013			
N	N000505	February 21, 2013 Delta Stewardship Council Meeting - Item 8 - Attachment - Letter from Delta	February 21, 2013			
N	N000509	February 21, 2013 Delta Stewardship Council Meeting - Item 9 - Attachment - By the Numbers	February 21, 2013			
N	N000510	February 21, 2013 Delta Stewardship Council Meeting - Item 9 - Lead Scientist's Report	February 21, 2013			
N	N000512	February 21, 2013 Delta Stewardship Council Meeting - Item 9 - Delta Science Plan Update Organizing	February 21, 2013			
N	N000524	February 21, 2013 Delta Stewardship Council Meeting - Item 10 - Attachment - Proposed Amendment -	February 21, 2013			
N	N000539	February 21, 2013 Delta Stewardship Council Meeting - Item 10 - Attachment - Draft Memo from Delta	February 21, 2013			

N	N000546	February 21, 2013 Delta Stewardship Council Meeting - Item 10 - Delta Independent Science Board	February 21, 2013			
N	N000548	February 21, 2013 Delta Stewardship Council Meeting - Item 11 - Proposal for a Portfolio Based	February 21, 2013			
N	N000550	February 21, 2013 Delta Stewardship Council Meeting - Item 11 - Attachment - Letter dated January 16,	February 21, 2013			
N	N000566	February 21, 2013 Delta Stewardship Council Meeting - Item 11 - Attachment - Letter dated January 16,	February 21, 2013			
N	N000569	February 21, 2013 Delta Stewardship Council Meeting - Item 11 - Attachment dated February 20, 2013	March 28-29, 2013			
N	N000577	March 28-29, 2013 Meeting - Cover Letter dated March 18, 2013	March 28-29, 2013			
N	N000579	March 28-29, 2013 Delta Stewardship Council Meeting - Item 4 - Comment from Coalition for a	March 28-29, 2013			
N	N000583	March 28-29, 2013 Delta Stewardship Council Meeting - Item 4 - Comment from Department of Water	March 28-29, 2013			
N	N000585	March 28-29, 2013 Delta Stewardship Council Meeting - Item 4 - Comment from California Water	March 28-29, 2013			
N	N000588	March 28-29, 2013 Delta Stewardship Council Meeting - Item 4a - Senate Governance and Finance	March 28-29, 2013			
N	N000599	March 28-29, 2013 Delta Stewardship Council Meeting - Item 4a - Senate Natural Resources & Water	March 28-29, 2013			
N	N000609	March 28-29, 2013 Delta Stewardship Council Meeting - Item 4a - Legal Update by Janelle Krattiger,	March 28-29, 2013			
N	N000613	March 28-29, 2013 Delta Stewardship Council Meeting - Item 4a - Legislative Update Bill Tracking Report	March 28-29, 2013			
N	N000622	March 28-29, 2013 Delta Stewardship Council Meeting - Item 10 - By the Numbers	March 28-29, 2013			
N	N000623	March 28-29, 2013 Delta Stewardship Council Meeting - Item 10 -Flood Profile Powerpoint Presentation	March 28-29, 2013			
N	N000627	March 28-29, 2013 Delta Stewardship Council Meeting - Item 10 - Lead Scientist's Report	March 28-29, 2013			
N	N000629	March 28-29, 2013 Delta Stewardship Council Meeting - Item 11 - Attachment - DISB Review of Science	March 28-29, 2013			
N	N000661	March 28-29, 2013 Delta Stewardship Council Meeting - Item 11 - Attachment - DISB Comment Letter -	March 28-29, 2013			
N	N000663	March 28-29, 2013 Delta Stewardship Council Meeting - Item 11 - Attachment - DISB Review of BDCP	March 28-29, 2013			
N	N000668	March 28-29, 2013 Delta Stewardship Council Meeting - Item 11 - Delta Independent Science Board	March 28-29, 2013			
N	N000670	April 25, 2013 Delta Stewardship Council Meeting - Cover letter dated April 17, 2013	April 25, 2013			
N	N000672	April 25, 2013 Delta Stewardship Council Meeting - Item 4a - Legal Update by Tori Sundheim, Legal	April 25, 2013			
N	N000677	April 25, 2013 Delta Stewardship Council Meeting - Item 8 - Attachment - By the Numbers	April 25, 2013			
N	N000678	April 25, 2013 Delta Stewardship Council Meeting - Item 4a - Legal Update by Tori Sundheim, Legal	April 25, 2013			
N	N000687	April 25, 2013 Delta Stewardship Council Meeting - Item 4a - Legislative Update - Letters re SB 735	April 25, 2013			
N	N000696	April 25, 2013 Delta Stewardship Council Meeting - Item 4a - Legislative Update - Bill Tracking Report of	April 25, 2013			
N	N000705	April 25, 2013 Delta Stewardship Meeting - Item 4b - Contracts Update - Status Report on Current	April 25, 2013			
N	N000710	April 25, 2013 Delta Stewardship Council Meeting - Item 8 - Lead Scientist's Report	April 25, 2013			
N	N000712	April 25, 2013 Delta Stewardship Council Meeting - Item 9 - Attachment - Delta Science Plan Annotated	April 25, 2013			
N	N000724	April 25, 2013 Delta Stewardship Council Meeting - Item 9 - Delta Science Plan	April 25, 2013			
N	N000725	May 16-17, 2013 Delta Stewardship Council Meeting - Cover letter May 6, 2013	May 16-17, 2013			
N	N000726	Statement of 15-day Notice of Availability of Modified Text	June 25, 2013			
N	N000727	Modified Text of Proposed Regulations (including Appendices)	April 4, 2013			
N	N000820	Statement of Availability of Additional Documents	June 25, 2013			
N	N000821	Economic and Fiscal Impact Statement (Form STD 399)	August 5, 2013			
N	N000825	Economic and Fiscal Impact Statement (Form STD 399) – Attachment 1	August 5, 2013			
N	N000833	Economic and Fiscal Impact Statement (Form 399) – Supporting Cost Analysis	April 1, 2013			
N	N000880	Cost Analysis References[1]	East Contra Costa County HCP/NCCP - Chapter 9 Funding	October 1, 2006		

N	N000943		"California Department of Housing and Development- Pay to Play: Residential Development Fees in California Cities and Counties, 1999"	August 1, 2001			
N	N001062		California Department of Housing and Development and the University of Berkley- Residential Development and Impact Fee Survey. Appendix A Survey Instrument	June 20, 1999			
N	N001077		California Department of Housing and Development and the University of Berkley- Residential Development and Impact Fee Survey. Appendix B Fees by Type and Region	June 23, 1905			
N	N001089		California Department of Housing and Development and the University of Berkley- Residential Development and Impact Fee Survey. Appendix C Fee Surveys by Jurisdiction	June 23, 1905			
N	N001092		California Department of Water Resources - 2012 Central Valley Flood Protection Plan	June 1, 2012			

N	N001283		California Department of Fish and Game - Draft of Ecosystem Restoration Program Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Regions	July 1, 2011			
N	N001624		Delta Protection Commission - Economic Sustainability Plan for the Sacramento-San Joaquin River Delta Executive Summary	January 19, 2012			
N	N001644		Supporting Project Descriptions for certain Projects listed in Cost Analysis Table A-1	Undated			
N	N001648		Department of Water Resources - Final Environmental Impact Report North Delta Flood Control and Ecosystem Restoration Project	October 1, 2010			
N	N002124		Draft of the BDCP Adaptive Management Program - Adaptive Management for Water Operations	February 16, 2012			
N	N002142		Bay Delta Conservation Plan Administrative Draft EIR/EIS - Chapter 16 Socioeconomics	February 1, 2012			

N	N002320		Employment Development Department - OES Employment and Wages by Occupation	May 1, 2010			
N	N002322		Employment Development Department - Occupational Employment (May 2011) & Wage (2012 - 1st Quarter) Data Occupational Employment Statistics (OES) Survey Results (Sorted by SOC code)	May 1, 2012			
N	N002342		Calculations for Cost Analysis for Proposed Delta Plan Regulation in Support of Economic and Fiscal Impact Statement	Undated			
N	N002349		Delta Plan Covered Actions – Statement of How Functions	Undated			
N	N002350		The Delta Stewardship Council Proposed Tasks related to Developing Priorities for State Investment in Delta Levees	Undated			
N	N002351		Delta Plan Implementation – Staff time and Cost Estimate	Undated			
N	N002352		Cost Estimates to Improve Various Levees	November 15, 2012			

N	N002354		Sacramento Area Flood Control Agency (SAFCA) Consolidated Capital Assessment District Final Engineer’s Report	April 19, 2007			
N	N002442		"Letter from Stein Buer, Executive Director SAFCA, regarding Natomas Levee Improvement Program Update"	July 27, 2009			
N	N002449		Sacramento Area Flood Control Agency - Natomas Levee Improvement Program 200-Year Project Cost Estimate and Comparison to U. S. Army Corps of Engineers National Economic Development Plan Cost Estimate	January 14, 2010			
N	N002678		Sacramento Area Flood Control Agency - Comparison Of Cost Estimates Natomas Levee Improvement Program (NLIP) 2007 CCAD Engineer’s Report And Updated SAFCA 200-Year Project Cost Estimate	January 14, 2011			
N	N002709		Sutter-Butte Flood Control Agency - Preliminary Design Report for the Feather River West Levee Early Implementation Project Final	September 1, 2009			

N	N002762		Announcement that Feather River Setback Levee recognized as 2009 Flood Control Facility Project of the Year	February 18, 2010			
N	N002765		Description of American Region Bear River Setback Levee Project- Sacramento River Watershed Program	October 3, 2012			
N	N002767		Report Evaluating Regional Economic Effects of Implementing Klamath Basin Restoration Agreement	September 1, 2011			
N	N002828		Copy of West's Annotated California Codes Volume 70C Water Code Appendix Sections 1-1 to 33-99	July 4, 1905			
N	N002829		Copy of West's Annotated California Codes Water Code Appendix Sections 1-1 to 33-99	September 2, 2010			
N	N002830		"Proposed Lower Yuba River Accord October 2007Final EIR/EIS- Chapter 6 Mitigation, Monitoring And Reporting Program/ Environmental Commitments Plan"	October 1, 2007			
N	N002852		Comment letter from City of Sacramento on Rulemaking Package	May 23, 2013			
N	N002853	Updated Informative Digest		June 25, 2013			
N	N002859	Final Statement of Reasons for Rulemaking Including Summary of Public Comments and Agency		July 1, 2013			
N	N002874	Final Statement of Reasons – Attachment 1: Draft Master Responses to Comments Received during the		June 1, 2013			

N	N002888	"Final Statement of Reasons – Attachment 2: Response to Comments Received during the 45-day Notice	June 1, 2013			
N	N003130	"Final Statement of Reasons – Attachment 3: Response to Comments Received during the 15-day Notice	June 1, 2013			
N	N003204	"Final Statement of Reasons – Attachment 4: Draft Response to Comments Received during the 15-day	June 1, 2013			

From: Jason Peltier

Sent: Wednesday, April 16, 2014 8:19 AM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'T Birmingham (tbirmingham@westlandswater.org)'; 'Dennis Cardoza'; 'James Watson'

Subject: Link to Fiel Poll on water, released today

<http://field.com/fieldpollonline/subscribers/Rls2468.pdf>

From: Jason Peltier

Sent: Wednesday, April 16, 2014 8:42 AM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'T Birmingham' (tbirmingham@westlandswater.org); 'Dennis Cardoza'; 'James Watson'

Subject: Enviro letter to Feinstein

Link to letter: <http://calsport.org/news/wp-content/uploads/EWC-Feinstein-Boxer-Letter-Feb-2014.pdf>

Environmentalists slam Dianne Feinstein's drought bill

Posted on Tuesday, April 15 at 10:59am | By Carolyn Lochhead



Sen. Dianne Feinstein's revised drought bill is coming under increasing attack from the left even as the [California Democrat tries to woo Republicans to speed the bill's passage](#) through the Senate without committee consideration.

More than a dozen environmental groups, including Sierra Club California, Audubon California, Environmental Defense Fund and the Natural Resources Defense Council, issued a letter late Monday demanding changes to the revised bill, [S.2198](#).

Feinstein [has been pressuring](#) state and federal water agencies to provide maximum pumping of the season's March rains to provide relief to San Joaquin Valley farms, despite the [dire straits of migrating salmon](#). Feinstein [dropped \\$300 million in spending](#) on drought relief projects to lure Senate GOP votes.

The letter from 13 environmental groups said they have "significant concerns" with the new Feinstein bill that "have not been remedied." The groups expressed alarm that the legislation could help roll back environmental protections for the Sacramento-San Joaquin River delta ecosystem if it reaches a conference with a [bill passed by House Republicans](#) in February that would end the San Joaquin River restoration and permanently allocate more water to farmers.

“Including any rollbacks of environmental laws (from the House bill) would be wholly inconsistent with the stated intent of the authors and co-sponsors” of the Senate bill, the letter said.

The groups also expressed worry about provisions that they contend “threaten to override existing legal requirements protecting the Chinook salmon, the health of California’s bay-delta ecosystem and the thousands of fishing jobs in California and Oregon that depend on salmon.”

Sen. Barbara Boxer, a California Democrat and [self-described environmental champion](#), remains a co-sponsor. Boxer is also working on her own drought bill, which she [said at a water forum last month](#) would focus on conservation and water recycling. It broadly reflects a [plan introduced by Bay Area House Democrats](#) last month. Boxer is calling her new bill “W21– Water for the 21st Century.”

In the water forum speech, Boxer defended her effort with Feinstein. “In the short-term, Senator Feinstein and I have introduced emergency drought legislation that would – under existing law and regulations – provide maximum flexibility in the management of the State and Federal water projects,” Boxer said. “It facilitates voluntary water transfers and expedites small emergency projects—like well deepening, and pipeline construction—to provide water for the communities that need it most.”

From: Jason Peltier

Sent: Thursday, April 17, 2014 6:41 AM

To: Tom Birmingham; Dennis Cardoza; Denny Rehberg; Joe Findaro; Cathrine Karen; David Bernhardt

Subject: Editorial: Dianne Feinstein's water bill is an overreach - Editorials - The Sacramento Bee

<http://www.sacbee.com/2014/04/17/6330783/editorial-dianne-feinsteins-water.html>

From: Jason Peltier
Sent: Thursday, May 1, 2014 12:02 PM
To: Dennis Cardoza; Joe Findaro; Denny Rehberg; David Bernhardt
Subject: Fwd: News Release: Snow Survey Comes up Dry

Begin forwarded message:

From: "Alison Joob" <ajoob@fionahuttonassoc.com>
Date: May 1, 2014 at 11:59:55 AM PDT
To: "'Fiona Hutton'" <fhutton@fionahuttonassoc.com>, "'Bob Muir'" <rmuir@mw2dh.com>, "'Boni Brewer'" <bbrewer@zone7water.com>, "'Brent Walthall'" <bwalthall@kcwa.com>, "'Byron Buck'" <bbuck@sfcwa.org>, "'Frances Brewster'" <fbrewster@valleywater.org>, "'Jason Peltier'" <jpeltier@westlandswater.org>, "'Kathy Cole'" <kcole@mw2dh.com>, "'Kurt Arends'" <karends@zone7water.com>, "'Lisa Lien Mager'" <LisaLM@acwa.com>, "'Mary Lou Cotton'" <maryloucotton@kennedyjenks.com>, "'Mike Wade'" <mwade@farmwater.org>, "'Teresa Alvarado'" <TAlvarado@valleywater.org>, "'Terry Erlewine'" <terlewine@swc.org>, "'Philp,Thomas S'" <TPhilp@mw2dh.com>, "'Walt Wadlow'" <wwadlow@acwd.com>, "'Gayle Holman'" <gholman@westlandswater.org>, "'Ara Azhderian'" <ara.azhderian@sldmwa.org>, "'Tim Hunt'" <huntenterprises1@gmail.com>, "'Zinke,Dee'" <DZinke@mw2dh.com>, "'Cindy Kao'" <CKao@valleywater.org>, <jduerig@zone7water.com>, "'Marty Grimes'" <mgrimes@valleywater.org>, "'Greg Zlotnick'" <greg.zlotnick@sldmwa.org>, "'Ann Newton'" <anewton@fionahuttonassoc.com>, "'Ray Stokes'" <RAS@ccwa.com>
Subject: FW: News Release: Snow Survey Comes up Dry

Today's manual and electronic readings recorded the statewide snowpack's water content – which normally provides about a third of the water for California's farms and cities -- at a mere 18 percent of average for the date.

From: DWR Public Affairs Office [mailto:dwr_public_affairs_office@WATER.CA.GOV]
Sent: Thursday, May 1, 2014 11:47 AM
To: DWR_NEWSRELEASES@LISTSERV.STATE.CA.GOV
Subject: News Release: Snow Survey Comes up Dry



NEWS FOR IMMEDIATE RELEASE

May 1, 2014

Contacts:

Ted Thomas, Information Officer – (916) 653-9712

Ted.Thomas@water.ca.gov

Doug Carlson, Information Officer – (916) 653-5114

Paul.Carlson@water.ca.gov

Year's Final Snow Survey Comes up Dry

3-Year Drought Retains Grip as Summer Approaches

SACRAMENTO – Today's final snow survey of the year found more bare ground than snow as California faces another long, hot summer after a near-record dry winter

Today's manual and electronic readings recorded the statewide snowpack's water content – which normally provides about a third of the water for California's farms and cities -- at a mere 18 percent of average for the date.

Just as telling was the April 1 survey that found water content at only 32 percent of average at the time of year it normally is at its peak before it begins to melt into streams and reservoirs with warming weather.

"Anyone who doesn't think conservation is important should drive up the hill and take a look," said DWR Director Mark Cowin. "Coupled with half our normal rainfall and low reservoir storage, our practically nonexistent snowpack reinforces the message that we need to save every drop we can just to meet basic needs."

Most dramatically, today's electronic readings show a dismal 7 percent of average water content in the northern Sierra snowpack that helps fill the state's major reservoirs which currently are only half full.

Electronic water content readings for the central and southern Sierra are 24 and 18 percent of normal, respectively.

Snow surveyors from DWR and cooperating agencies manually measure snowpack water content on or about the first of the month from January through May to supplement and check the accuracy of real-time electronic readings from remote sensors up and down the mountain ranges.

Results of today's manual readings by DWR off Highway 50 near Echo Summit are as follows:

Location	Elevation	Snow Depth	Water Content	% of Long Term Average
Alpha	7,600 feet	inches	inches	Missing
Phillips Station	6,800 feet	0 inches	0 inches	0
Lyons Creek	6,700 feet	inches	inches	Missing
Tamarack Flat	6,500 feet	8.0 inches	3.4 inches	18

California's reservoirs obviously will not be significantly replenished by a melting snowpack this spring and summer.

Lake Oroville in Butte County, the State Water Project's (SWP) principal reservoir, today is at only 53 percent of its 3.5 million acre-foot capacity (65 percent of its historical average for the date). Shasta Lake north of Redding, California's and the federal Central Valley Project's (CVP) largest reservoir, also is at 53 percent of its 4.5 million acre-foot capacity (61 percent of its historical average). San Luis Reservoir, a critical south-of-Delta reservoir for both the SWP and CVP, is at 47 percent of its 2 million acre-foot capacity (52 percent of average for this time of year).

With most of the wet season behind us, it is highly unlikely late-season storms will significantly dampen the effects of the three-year drought on parched farms or communities struggling to provide drinking water.

On January 31, with no relief from the three-year drought in sight, DWR set its allocation of State Water Project (SWP) water at zero. The only previous zero allocation was for agriculture in the drought year of 1991, but cities and others that year received 30 percent of requested amounts.

After late season storms, DWR on April 18 increased this year's allocation to 5 percent of requested SWP amounts. If it stands, this will be the lowest across-the-board allocation in the 54-year history of the SWP.

Collectively, the 29 public agencies that deliver SWP water to more than 25 million Californians and nearly a million acres of irrigated agriculture requested 4,172,536 acre-feet of water this calendar year.

The final SWP allocation for calendar year 2013 was 35 percent of the 4.1 million acre-feet requested. In 2012, the final allocation was 65 percent of the requested 4.1 million acre-feet. It was 80 percent in 2011, up dramatically from an initial allocation of 25 percent. The final allocation was 50 percent in 2010, 40 percent in 2009, 35 percent in 2008, and 60 percent in 2007. The last 100 percent allocation – difficult to achieve even in wet years because of Delta pumping restrictions to protect threatened and endangered fish – was in 2006.

On April 25, Governor Edmund G. Brown Jr. issued an executive order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water. On January 17, the Governor declared a drought state of emergency.

(Visit Drought.Ca.Gov for an update on how the state is dealing with the drought.)

NOTE: For video footage of today's snow survey call or email DWR videographer Albert Madrid at (916) 717-9833, Albert.Madrid@water.ca.gov.

Electronic snowpack readings are available on the Internet at:

<http://cdec.water.ca.gov/cdecapp/snowapp/sweq.action>

Electronic reservoir readings may be found at:

<http://cdec.water.ca.gov/cdecapp/resapp/getResGraphsMain.action>

For a broader snapshot of current and historical weather conditions, see DWR's "Water Conditions" and "Drought" pages:

Water Conditions Page

<http://www.water.ca.gov/waterconditions/>

Drought Page

<http://www.water.ca.gov/waterconditions/drought/>

For simple, every day water conservation tips, click on "Save Our Water" here:



The Department of Water Resources operates and maintains the State Water Project, provides dam safety and flood control and inspection services, assists local water districts in water management and water conservation planning, and plans for future statewide water needs.

To unsubscribe from the DWR_NEWSRELEASES list, click the following link:
https://LISTSERV.STATE.CA.GOV/wa.exe?SUBED1=DWR_NEWSRELEASES&A=1

From: Bernhardt, David L.
Sent: Wednesday, May 7, 2014 2:01 PM
To: Thomas W. Birmingham (tbirmingham@westlandswater.org)
Subject: FW: Rep. Simpson: Energy and water markup set for June 10, Yucca funding possible

FYI

From: Hrobsky, Jon A.
Sent: Wednesday, May 07, 2014 5:00 PM
To: Bernhardt, David L.
Subject: Fwd: Rep. Simpson: Energy and water markup set for June 10, Yucca funding possible

Begin forwarded message:

From: POLITICO Pro Whiteboard <politicoemail@politicopro.com>
Date: May 7, 2014 at 4:59:21 PM EDT
To: <jhrobsky@BHFS.com>
Subject: Rep. Simpson: Energy and water markup set for June 10, Yucca funding possible
Reply-To: <politicoemail@politicopro.com>

5/7/14 4:57 PM EDT

House Energy and Water Appropriations Subcommittee Chairman Mike Simpson said today that while there isn't yet a date for the release of his panel's spending bill, a markup has been slated for June 10.

The Idaho Republican, a Yucca Mountain supporter who has voiced doubts about getting funds for the project, also said that "there's a chance some Yucca Mountain funding will be in there," when asked about the forthcoming subcommittee spending bill.

Lawmakers have said that they're committed to going through "regular order" in the appropriations process, rather than wrapping all 12 spending bills into an omnibus package — where Yucca funding from the House is usually nixed by Senate Majority Leader Harry Reid in the overhaul.

— *Darius Dixon*

You've received this POLITICO Pro content because your customized settings include: Energy Whiteboards. To change your alert settings, please go to <https://www.politicopro.com/member/?webaction=viewAlerts>.

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From: Denny Rehberg
Sent: Thursday, May 8, 2014 11:23 AM
To: Tom Birmingham; David Longly Bernhardt
CC: Karen Clark
Subject: Energy and Water

Wrinkle in our plans. House is not in session next week.

.....
Mercury.
Denny Rehberg



From: Tom Birmingham

Sent: Friday, May 9, 2014 10:45 AM

To: 'Bernhardt, David L.'; joe.findaro@akerman.com; 'Denny Rehberg'; dcardoza@foley.com; 'Karen, Catherine'

Subject: Telephone Conference

Senator Feinstein just telephoned me to provide an update on her efforts to move her legislation. Are you available with the next hour for a telephone conference so that I can update you?

From: joe.findaro@akerman.com

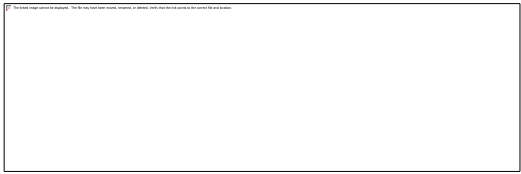
Sent: Friday, May 9, 2014 10:46 AM

To: tbirmingham@westlandswater.org; DBernhardt@BHFS.com; DRehberg@mercuryllc.com; dcardoza@foley.com; ckaren@sidley.com

Subject: RE: Telephone Conference

yes, want to use the Westlands conference call line at 230 EST?

[vCard](#) | [Bio](#)



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From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]

Sent: Friday, May 09, 2014 1:45 PM

To: 'Bernhardt, David L.'; Findaro, Joe (OC-DC); 'Denny Rehberg'; dcardoza@foley.com; 'Karen, Catherine'

Subject: Telephone Conference

Senator Feinstein just telephoned me to provide an update on her efforts to move her legislation. Are you available with the next hour for a telephone conference so that I can update you?

From: Tom Birmingham

Sent: Friday, May 9, 2014 10:48 AM

To: joe.findaro@akerman.com; DBernhardt@BHFS.com; DRehberg@mercuryllc.com; dcardoza@foley.com; ckaren@sidley.com

CC: 'Karen Clark'

Subject: RE: Telephone Conference

Yes, let's talk at 2:30 EDT (11:30 PDT). We can use the Westlands line, (800) [REDACTED] - [REDACTED] pass code [REDACTED]

From: joe.findaro@akerman.com [mailto:joe.findaro@akerman.com]

Sent: Friday, May 09, 2014 10:46 AM

To: tbirmingham@westlandswater.org; DBernhardt@BHFS.com; DRehberg@mercuryllc.com; dcardoza@foley.com; ckaren@sidley.com

Subject: RE: Telephone Conference

yes, want to use the Westlands conference call line at 230 EST?

vCard | Bio



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From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]

Sent: Friday, May 09, 2014 1:45 PM

To: 'Bernhardt, David L.'; Findaro, Joe (OC-DC); 'Denny Rehberg'; dcardoza@foley.com; 'Karen, Catherine'

Subject: Telephone Conference

Senator Feinstein just telephoned me to provide an update on her efforts to move her legislation. Are you available with the next hour for a telephone conference so that I can update you?

From: Bernhardt, David L.
Sent: Friday, May 9, 2014 10:49 AM
To: 'Tom Birmingham'
Subject: RE: Telephone Conference

Yes.

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Friday, May 09, 2014 1:45 PM
To: Bernhardt, David L.; joe.findaro@akerman.com; 'Denny Rehberg'; dcardoza@foley.com; 'Karen, Catherine'
Subject: Telephone Conference

Senator Feinstein just telephoned me to provide an update on her efforts to move her legislation. Are you available with the next hour for a telephone conference so that I can update you?

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From: DCardoza@foley.com
Sent: Friday, May 9, 2014 10:56 AM
To: Tom Birmingham
CC: joe.findaro@akerman.com; DBernhardt@BHFS.com; DRehberg@mercuryllc.com; ckaren@sidley.com; Karen Clark
Subject: Re: Telephone Conference

Ok I will be on the call. Dennis

Congressman Dennis A. Cardoza
Foley & Lardner LLP
Suite 600
3000 K Street, NW<x-apple-data-detectors://0/0>
Washington, DC 20007-5109<x-apple-data-detectors://0/0>
Phone: 202.295-4015
Fax: 202.672.5399<tel:202.672.5399>
Email: dcardoza@foley.com<<mailto:dcardoza@foley.com>>

Sent from my iPhone

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On May 9, 2014, at 1:49 PM, "Tom Birmingham" <tbirmingham@westlandswater.org<<mailto:tbirmingham@westlandswater.org>>>> wrote:

Yes, let's talk at 2:30 EDT (11:30 PDT). We can use the Westlands line, (800) [REDACTED] - [REDACTED] pass code [REDACTED]

From: joe.findaro@akerman.com<<mailto:joe.findaro@akerman.com>> [<mailto:joe.findaro@akerman.com>]
Sent: Friday, May 09, 2014 10:46 AM
To: tbirmingham@westlandswater.org<<mailto:tbirmingham@westlandswater.org>>; DBernhardt@BHFS.com<<mailto:DBernhardt@BHFS.com>>; DRehberg@mercuryllc.com<<mailto:DRehberg@mercuryllc.com>>; dcardoza@foley.com<<mailto:dcardoza@foley.com>>; ckaren@sidley.com<<mailto:ckaren@sidley.com>>
Subject: RE: Telephone Conference

yes, want to use the Westlands conference call line at 230 EST?

vCard<<http://www.akerman.com/bios/vcard.asp?id=708>> | Bio<<http://www.akerman.com/bios/bio.asp?id=708>>
<<http://www.akerman.com/>>

[\[http://www.akerman.com/akermansig.jpg\]](http://www.akerman.com/akermansig.jpg)<<http://www.akerman.com/>>

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From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]

Sent: Friday, May 09, 2014 1:45 PM

To: 'Bernhardt, David L.'; Findaro, Joe (OC-DC); 'Denny Rehberg'; dcardoza@foley.com<<mailto:dcardoza@foley.com>>; 'Karen, Catherine'

Subject: Telephone Conference

Senator Feinstein just telephoned me to provide an update on her efforts to move her legislation. Are you available with the next hour for a telephone conference so that I can update you?

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From: Karen, Catherine

Sent: Friday, May 9, 2014 11:11 AM

To: 'Tom Birmingham'; 'joe.findaro@akerman.com'; 'DBernhardt@BHFS.com'; 'DRehberg@mercuryllc.com'; 'dcardoza@foley.com'

CC: 'Karen Clark'

Subject: RE: Telephone Conference

My apologies but I have a 2:30. Joe can I call you afterwards?

Thank you,
Catherine

Catherine Karen
Sidley Austin LLP
1501 K Street, NW
Washington, DC 20005
Tel: 202-736-8368
Cell: 703 [REDACTED]
Fax: 202-736-8711
ckaren@sidley.com

-----Original Message-----

From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]

Sent: Friday, May 09, 2014 12:48 PM Central Standard Time

To: joe.findaro@akerman.com; DBernhardt@BHFS.com; DRehberg@mercuryllc.com; dcardoza@foley.com; Karen, Catherine

Cc: 'Karen Clark'

Subject: RE: Telephone Conference

Yes, let's talk at 2:30 EDT (11:30 PDT). We can use the Westlands line, (800) [REDACTED] - [REDACTED] pass code [REDACTED]

From: joe.findaro@akerman.com [<mailto:joe.findaro@akerman.com>]

Sent: Friday, May 09, 2014 10:46 AM

To: tbirmingham@westlandswater.org; DBernhardt@BHFS.com; DRehberg@mercuryllc.com; dcardoza@foley.com; ckaren@sidley.com

Subject: RE: Telephone Conference

yes, want to use the Westlands conference call line at 230 EST?

vCard

<<https://urldefense.proofpoint.com/v1/url?u=http://www.akerman.com/bios/vcard.asp?id%3D708&k=TdYi4sLpqDk%2FMHHOrMsJ9g%3D%3D%0A&r=aAits%2FfDuPKDbfXvhn7nehG07TVjpDTdhHvFwWSc670%3D%0A&m=e%2FgrtZtB%2B6h8EVJUzvajtr5YDYp0xffnBAsrESv5g0%3D%0A&s=0bc1a097b8466d93ae8e3ae0c74dee3281941b3bcf0ac5592a43440ff2d69f65>> | Bio
<<https://urldefense.proofpoint.com/v1/url?u=http://www.akerman.com/bios/bio.asp?id%3D708&k=TdYi4sLpqDk%2FMHHOrMsJ9g>>

%3D%3D%0A&r=aAits%2FfDuPKDbfXvhn7nehG07TVjpDTdhHvFwWSc670%3D%0A&m=e%2FgrtZtB%2B6h8EVJUZvajtr5YDYp0xffnBAsrESv5g0%3D%0A&s=d448a14498f6518f33fae6318860ae240098386305e2fe75a61c77b9b2137d50>

<https://urldefense.proofpoint.com/v1/url?u=http://www.akerman.com/&k=TdYi4sLpqDk%2FMHHOrMsJ9g%3D%3D%0A&r=aAits%2FfDuPKDbfXvhn7nehG07TVjpDTdhHvFwWSc670%3D%0A&m=e%2FgrtZtB%2B6h8EVJUZvajtr5YDYp0xffnBAsrESv5g0%3D%0A&s=80121678f5350fb1b1b6e432a9945c3afb3aad5ff33558295e8e01b7da3f0544> <https://urldefense.proofpoint.com/v1/url?u=http://www.akerman.com/&k=TdYi4sLpqDk%2FMHHOrMsJ9g%3D%3D%0A&r=aAits%2FfDuPKDbfXvhn7nehG07TVjpDTdhHvFwWSc670%3D%0A&m=e%2FgrtZtB%2B6h8EVJUZvajtr5YDYp0xffnBAsrESv5g0%3D%0A&s=80121678f5350fb1b1b6e432a9945c3afb3aad5ff33558295e8e01b7da3f0544>

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From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]
Sent: Friday, May 09, 2014 1:45 PM
To: 'Bernhardt, David L.'; Findaro, Joe (OC-DC); 'Denny Rehberg'; dcardoza@foley.com; 'Karen, Catherine'
Subject: Telephone Conference

Senator Feinstein just telephoned me to provide an update on her efforts to move her legislation. Are you available with the next hour for a telephone conference so that I can update you?

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From: Nelson, Damon
Sent: Friday, May 9, 2014 11:31 AM
To: drehberg@mercuryllc.com; Bernhardt, David L.
CC: Amaral, Johnny; zzNunes, Devin; Tom Birmingham
Subject: Follow-up....

We wanted to follow-up to our conversation today. We appreciate the time you are taking to find a path forward in the appropriations process. But, we want to stress that we will only be on board if everyone is on board. That is the commitment we have made to our colleagues in the valley. Also, any action in the approps process cannot risk preliminary discussions that are occurring on water deficit issue – which could lead to broader discussions. Risking that will simply set the process back.

We still would urge you to take a dual track. Not just work on pumps language in E&W, but to also address delisting in the Interior bill. Both would be a placeholder when it comes to an omnibus bill.

Again, great to see you today.

Damon

Damon Nelson
Deputy Chief of Staff & Legislative Director
Congressman Devin Nunes
Office: (202) 225-2523

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From: Nelson, Damon
Sent: Friday, May 9, 2014 11:34 AM
To: Bernhardt, David L.; drehberg@mercuryllc.com
CC: Amaral, Johnny; zzNunes, Devin; Tom Birmingham
Subject: RE: Follow-up....

Sorry, I had Denny's email wrong.

From: Nelson, Damon
Sent: Friday, May 09, 2014 2:31 PM
To: 'drehberg@mercuryllc.com'; 'Bernhardt, David L.'
Cc: Amaral, Johnny; 'zznunes (Devinhr2403@mail.house.gov)'; 'Tom Birmingham'
Subject: Follow-up....

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Congressman Devin Nunes
Office: (202) 225-2523

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From: Tom Birmingham
Sent: Friday, May 9, 2014 12:52 PM
To: 'Nelson, Damon'; drehberg@mercuryllc.om; 'Bernhardt, David L.'
CC: 'Amaral, Johnny'; 'zzNunes, Devin'
Subject: RE: Follow-up....

Damon,
We understand.
Tom

From: Nelson, Damon [mailto:Damon.Nelson@mail.house.gov]
Sent: Friday, May 09, 2014 11:31 AM
To: drehberg@mercuryllc.om; Bernhardt, David L.
Cc: Amaral, Johnny; zzNunes, Devin; Tom Birmingham
Subject: Follow-up....

We wanted to follow-up to our conversation today. We appreciate the time you are taking to find a path forward in the appropriations process. But, we want to stress that we will only be on board if everyone is on board. That is the commitment we have made to our colleagues in the valley. Also, any action in the approps process cannot risk preliminary discussions that are occurring on water deficit issue – which could lead to broader discussions. Risking that will simply set the process back.

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Congressman Devin Nunes
Office: (202) 225-2523

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From: Jason Peltier

Sent: Friday, May 16, 2014 6:42 AM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'Tony Coelho'; 'T Birmingham (tbirmingham@westlandswater.org)'; 'Dennis Cardoza'

Subject: Feinstein

<http://www.sfgate.com/science/article/Feinstein-Enviros-no-help-on-California-drought-5481560.php>

From: Jason Peltier

Sent: Monday, May 19, 2014 10:34 AM

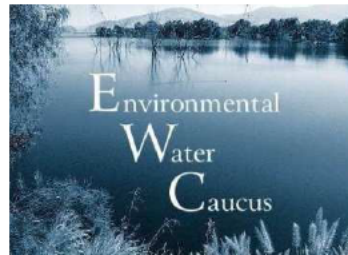
To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'T Birmingham (tbirmingham@westlandswater. org)'; 'Dennis Cardoza'; 'James Watson'

Subject: Enviro letter to Senators on Drought bill

Attachments: Drought Feinstein Boxer EnvironmentalCoalitionLetterFinal_5-16-14.pdf

Attached

**Environmental Protections Letter to
Senators Boxer and Feinstein
May 16, 2014**





SIERRA NEVADA ALLIANCE

CA Save Our Streams Council



Tuolumne River Trust



Santa Clarita Organization
for Planning and the
Environment (SCOPE)



**NORTHERN
CALIFORNIA COUNCIL**



**FEDERATION OF
FLY FISHERS**



Environmental Coalition Letter to Senators Feinstein and Boxer on S. 2198.

The Honorable Diane Feinstein
U.S. Senate
331 Hart Senate Office Building
Washington, DC 20510

The Honorable Barbara Boxer
U.S. Senate
112 Hart Senate Office Building
Washington, DC 20510

May 16, 2014

Re: Opposition to S. 2198

On behalf of the Environmental Water Caucus and the environmental justice, recreational and commercial fishing groups and Native American tribes above, we are writing to express our opposition to S. 2198. We share your concern regarding the impacts of the current drought on some agricultural and urban communities, as well as on the environment. However, as currently written, S. 2198 would exacerbate impacts on the environment and the salmon industry without addressing the underlying cause of water shortages.

Simply put, water shortages are caused by extraordinarily dry conditions, not environmental protections. Indeed, environmental protections include lower levels of protection in dry years. Those protections frequently allow for agency discretion to respond to conditions on the ground. S. 2198's provisions regarding the San Joaquin River inflow-export ratio and Old and Middle River flows would prohibit the agencies from using the discretion included in the federal Biological Opinions for the Delta.

These provisions are not needed this year, as the agencies have already made – and exceeded – the operational decisions mandated by these provisions. However, as drafted, these provisions would remain in place until the drought proclamation is lifted. Given that there is no state definition of drought or requirement to lift a drought proclamation promptly, the limitations in this bill could remain in place long after the drought is over – dramatically lowering future environmental protections.

The Bay-Delta environment is already in a precarious condition, with several species at significant risk of extinction. This condition is, in large part, the result of political interference in the previous Biological Opinions. We strongly object to congressional interference in the implementation of federal environmental requirements. Congress should encourage federal agencies to implement environmental protections based on the best-available science, rather than bind their hands.

Finally, we are deeply concerned regarding the potential result if this bill is forwarded to a conference committee with H.R. 3964 (Valadao). Rather than focusing on legislating further limits on environmental protections that are already

too weak, we urge you to take a different path. The State recently passed drought legislation that is funding alternative water supplies and addressing impacts to rural communities. This funding is directly addressing the cause and impacts of the drought. We urge you to pursue a similar package of federal appropriations. We further urge you to ensure that your legislation is designed to reduce, rather than to increase, the impacts of the drought on California's environment and salmon fishery.

Thank you for considering the views of our organizations; we stand ready to assist your efforts in any positive way that we can.

Sincerely,

A handwritten signature in black ink, reading "Nick DiCroce". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Co-Facilitator
Environmental Water Caucus

The following environmental and fishing organizations support the comments and recommendations shown in the attached letter.

The corresponding logos are shown at the front of this document.

*Sara Aminzadeh
Policy Director
California Coastkeeper*

*Lowell Ashbaugh
Vice President, Conservation
Northern California Council Federation
of Fly Fishers*

*Dan Bacher
Editor
Fish Sniffer*

*Colin Bailey
Executive Director
Environmental Justice Coalition for
Water*

*Barbara Barrigan-Parrilla
Executive Director
Restore the Delta*

*Lisa Belenky
Senior Attorney
Center for Biological Diversity*

*Lloyd Carter
President
California Save Our Streams Council*

*Jennifer Clary
Water Policy Analyst
Clean Water Action*

*Joan Clayburgh
Executive Director
Sierra Nevada Alliance*

*Jim Cox
President
California Striped Bass Association*

*Nick Di Croce
Co-Facilitator
Environmental Water Caucus*

*Robyn DiFalco
Executive Director
Butte Environmental Council*

*Siobahn Dolan
Director
Desal Response Group*

*Marty Dunlap
Citizens Water Watch*

*Conner Everts
Executive Director
Southern California Watershed Alliance*

*Konrad Fisher
Executive Director
Klamath Riverkeeper*

*Ron A. Forbes, DDS
Conservation Chair
Delta Fly Fishers*

*Zeke Grader
President
Pacific Coast Federation of Fisherman's
Associations*

*Gary Graham Hughes
Executive Director
Environmental Protection Information
Center*

*Diana Jacobs
Chair, Board of Directors
Sacramento River Preservation Trust*

*Bill Jennings
Executive Director
California Sportfishing Protection
Alliance*

*Patrick Koepele
Executive Director
Tuolumne River Trust*

*Carolee Krieger
Executive Director
California Water Impact Network*

*Roger Mammon
President
Lower Sherman Island Duck Club*

*Jonas Minton
Senior Water Policy Advisor
Planning and Conservation League*

*Pietro Parravano
President
Institute for Fisheries Resources*

*Lynne Plambeck
Executive Director Santa Clarita for
Planning and the Environment*

*Dave Steindorf
California Stewardship Director
American Whitewater*

*Kathryn Phillips
Director
Sierra Club California*

*Jon Rosenfield, Ph.D.
Interim Director, Rivers and Delta
Program
The Bay Institute*

*Adam Scow
California Campaign Director
Food and Water Watch*

*Linda Sheehan
Executive Director
Earth Law Center*

*Chief Caleen Sisk
Spiritual Leader
Winnemen Wintu Tribe*

*Cecily Smith
Executive Director
Foothill Conservancy*

*Esmeralda Soria
Legislative Advocate
California Rural Legal Assistance
Foundation*

*Craig Tucker
Karuk Tribe*

*Barbara Vlamis
Executive Director
AquAlliance*

*Eric Wesselman
Executive Director
Friends of the River*

From: Jason Peltier

Sent: Tuesday, May 20, 2014 11:38 AM

To: Joe Findaro; Denny Rehberg; Dennis Cardoza; David Bernhardt; Cathrine Karen; Ed Manning; Carolyn Jensen (cjensen@ka-pow.com)

Subject: Fwd: Sen. Feinstein's drought bill hotlined

Attachments: END14239.pdf; Untitled attachment 31836.htm; END14236.pdf; Untitled attachment 31839.htm; Section by Section Final 051914 FINAL.docx; Untitled attachment 31842.htm

FYI

Begin forwarded message:

From: "Yeung, Felix (Feinstein)" <Felix_Yeung@feinstein.senate.gov>

Date: May 20, 2014 at 11:19:43 AM PDT

To: "cwhite@ccidwater.org" <cwhite@ccidwater.org>, "dguy@norcalwater.org" <dguy@norcalwater.org>, "jbuckman@friantwater.org" <jbuckman@friantwater.org>, "jmaher@valleywater.org" <jmaher@valleywater.org>, "rpatterson@mwdh2o.com" <rpatterson@mwdh2o.com>, "sottemoeller@friantwater.org" <sottemoeller@friantwater.org>, daniel steiner <steinerd@ix.netcom.com>, "terlewin@swc.org" <terlewin@swc.org>, "tmanley@norcalwater.org" <tmanley@norcalwater.org>, "tmberliner@duanemorris.com" <tmberliner@duanemorris.com>, Frances Mizuno <frances.mizuno@sldmwa.org>, Jeff Sutton <jsutton@tccanal.com>, Thad Bettner <tbettner@gcid.net>, "Ron Jacobsma" <rjacobsma@friantwater.org> <rjacobsma@friantwater.org>, "Chedester, Steve" <stevechedester@sjrecwa.net> <stevechedester@sjrecwa.net>, Ara Azhderian <ara.azhderian@sldmwa.org>, Greg Zlotnick <greg.zlotnick@sldmwa.org>, "Dan.Nelson@SLDMWA.org" <Dan.Nelson@SLDMWA.org>, Jon Rubin <Jon.Rubin@sldmwa.org>, Tom Birmingham <tbirmingham@westlandswater.org>, "Jason Peltier" <jpeltier@westlandswater.org> <jpeltier@westlandswater.org>, Tom Boardman <tboardman@apex.net>, Joe Raeder <JRaeder@tfgnet.com>, "Roger Gwinn" <rgwinn@tfgnet.com> <rgwinn@tfgnet.com>, Mark Limbaugh <mlimbaugh@tfgnet.com>, "warren@kadeshdc.com" <warren@kadeshdc.com>, "Mark Kadesh" <mark@kadeshdc.com>

Subject: Sen. Feinstein's drought bill hotlined

Hi all,

Just got the go-ahead to share the attached bill with you. We've delivered it to the Senate cloakroom to be hotlined (i.e., to see if we can get unanimous consent in the Senate to pass the bill).

Per Senate rules, any change to the title of the bill (in this case the "purpose" section of the bill) has to be done on a separate form; hence the second PDF. For your purposes, END14239 is the main reading material.

Finally, I am attaching a section-by-section description of the bill.

Please let me know if you have questions.

Best,
Felix

Felix S. Yeung, Esq.
Legislative Assistant
Office of Senator Dianne Feinstein
202.224.9646

AMENDMENT NO.

Calendar No.

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.**S. 2198**

To direct the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies and disaster assistance to the State of California and other Western States due to drought, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mrs. FEINSTEIN (for herself and
Ms. MURKOWSKI)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Emergency Drought Relief Act of 2014”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Emergency projects.

Sec. 5. Emergency environmental reviews.
Sec. 6. State revolving funds.
Sec. 7. Effect on State laws.
Sec. 8. Termination of authorities.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) as established in the Proclamation of a
4 State of Emergency issued by the Governor of the
5 State on January 17, 2014, the State is experi-
6 encing record dry conditions;

7 (2) extremely dry conditions have persisted in
8 the State since 2012, and the drought conditions are
9 likely to persist into the future;

10 (3) the water supplies of the State are at
11 record-low levels, as indicated by a statewide average
12 snowpack of 12 percent of the normal average for
13 winter as of February 1, 2014, and the fact that all
14 major Central Valley Project reservoir levels are at
15 or below 50 percent of the capacity of the reservoirs
16 as of April 1, 2014;

17 (4) the 2013-2014 drought constitutes a serious
18 emergency posing immediate and severe risks to
19 human life and safety and to the environment
20 throughout the State;

21 (5) the emergency requires—

22 (A) immediate and credible action that re-
23 spects the complexity of the water system of the

1 State and the importance of the water system
2 to the entire State; and

3 (B) policies that do not pit stakeholders
4 against one another, which history has shown
5 only leads to costly litigation that benefits no
6 one and prevents any real solutions;

7 (6) Federal law (including regulations) directly
8 authorizes expedited decisionmaking procedures and
9 environmental and public review procedures to en-
10 able timely and appropriate implementation of ac-
11 tions to respond to such a type and severity of emer-
12 gency; and

13 (7) the serious emergency posed by the 2013-
14 2014 drought in the State fully satisfies the condi-
15 tions necessary for the exercise of emergency deci-
16 sionmaking, analytical, and public review require-
17 ments under—

18 (A) the Endangered Species Act of 1973
19 (16 U.S.C. 1531 et seq.);

20 (B) the National Environmental Policy Act
21 of 1969 (42 U.S.C. 4321 et seq.);

22 (C) water control management procedures
23 of the Corps of Engineers described in section
24 222.5 of title 33, Code of Federal Regulations
25 (including successor regulations); and

1 (D) the Reclamation States Emergency
2 Drought Relief Act of 1991 (Public Law 102–
3 250; 106 Stat. 53).

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) CENTRAL VALLEY PROJECT.—The term
7 “Central Valley Project” has the meaning given the
8 term in section 3403 of the Central Valley Project
9 Improvement Act (106 Stat. 4707).

10 (2) KLAMATH PROJECT.—The term “Klamath
11 Project” means the Bureau of Reclamation project
12 in the States of California and Oregon, as author-
13 ized under the Act of June 17, 1902 (32 Stat. 388,
14 chapter 1093).

15 (3) RECLAMATION PROJECT.—The term “Rec-
16 lamation Project” means a project constructed pur-
17 suant to the authorities of the reclamation laws and
18 whose facilities are wholly or partially located in the
19 State.

20 (4) SECRETARIES.—The term “Secretaries”
21 means—

22 (A) the Administrator of the Environ-
23 mental Protection Agency;

24 (B) the Secretary of Agriculture;

25 (C) the Secretary of Commerce; and

1 (D) the Secretary of the Interior.

2 (5) STATE.—The term “State” means the State
3 of California.

4 (6) STATE WATER PROJECT.—The term “State
5 Water Project” means the water project described
6 by California Water Code section 11550 et seq., and
7 operated by the California Department of Water Re-
8 sources.

9 **SEC. 4. EMERGENCY PROJECTS.**

10 (a) WATER SUPPLIES.—

11 (1) IN GENERAL.—In response to the declara-
12 tion of a state of drought emergency by the Gov-
13 ernor of the State, the Secretaries shall provide the
14 maximum quantity of water supplies possible to Cen-
15 tral Valley Project agricultural, municipal and indus-
16 trial, and refuge service and repayment contractors,
17 State Water Project contractors, and any other lo-
18 cality or municipality in the State, by approving,
19 consistent with applicable laws (including regula-
20 tions), projects and operations to provide additional
21 water supplies as quickly as possible based on avail-
22 able information to address the emergency condi-
23 tions.

24 (2) APPLICATION.—Paragraph (1) applies to
25 projects or operations involving the Klamath Project

1 if the projects or operations would benefit Federal
2 water contractors in the State.

3 (b) LIMITATION.—Nothing in this section allows
4 agencies to approve projects—

5 (1) that would otherwise require congressional
6 authorization; or

7 (2) without following procedures required by
8 applicable law.

9 (c) ADMINISTRATION.—In carrying out subsection
10 (a), the Secretaries shall, consistent with applicable laws
11 (including regulations)—

12 (1) authorize and implement actions to ensure
13 that the Delta Cross Channel Gates shall remain
14 open to the greatest extent possible, timed to maxi-
15 mize the peak flood tide period and provide water
16 supply and water quality benefits for the duration of
17 the drought emergency declaration of the State, con-
18 sistent with operational criteria and monitoring cri-
19 teria developed pursuant to the California State
20 Water Resources Control Board's Order Approving a
21 Temporary Urgency Change in License and Permit
22 Terms in Response to Drought Conditions, effective
23 January 31, 2014, or a successor order;

24 (2)(A) collect data associated with the operation
25 of the Delta Cross Channel Gates described in para-

1 graph (1) and the impact of the operation on species
2 listed as threatened or endangered under the Endan-
3 gered Species Act of 1973 (16 U.S.C. 1531 et seq.),
4 water quality, and water supply; and

5 (B) after assessing the data described in sub-
6 paragraph (A), require the Director of the National
7 Marine Fisheries Service to recommend revisions to
8 operations of the Central Valley Project and the
9 California State Water Project, including, if appro-
10 priate, the reasonable and prudent alternatives con-
11 tained in the biological opinion issued by the Na-
12 tional Marine Fisheries Service on June 4, 2009,
13 that are likely to produce fishery, water quality, and
14 water supply benefits;

15 (3)(A) implement turbidity control strategies
16 that allow for increased water deliveries while avoid-
17 ing jeopardy to adult delta smelt (*Hypomesus*
18 *transpacificus*) due to entrainment at Central Valley
19 Project and State Water Project pumping plants;
20 and

21 (B) manage reverse flow in the Old and Middle
22 Rivers as prescribed by the biological opinions issued
23 by the United States Fish and Wildlife Service on
24 December 15, 2008, for Delta smelt and by the Na-
25 tional Marine Fisheries Service on June 4, 2009, for

1 salmonids, to minimize water supply reductions for
2 the Central Valley Project and the State Water
3 Project;

4 (4) adopt a 1:1 inflow to export ratio for the in-
5 creased flow of the San Joaquin River, as measured
6 as a 3-day running average at Vernalis during the
7 period from April 1 through May 31, resulting from
8 voluntary transfers and exchanges of water supplies,
9 among other purposes;

10 (5) issue all necessary permit decisions under
11 the authority of the Secretaries within 30 days of re-
12 ceiving a completed application by the State to place
13 and use temporary barriers or operable gates in
14 Delta channels to improve water quantity and qual-
15 ity for State Water Project and Central Valley
16 Project South of Delta water contractors and other
17 water users, which barriers or gates should provide
18 benefits for species protection and in-Delta water
19 user water quality and shall be designed such that
20 formal consultations under section 7 of the Endan-
21 gered Species Act of 1973 (16 U.S.C. 1536) would
22 not be necessary;

23 (6)(A) require the Director of the United States
24 Fish and Wildlife Service and the Commissioner of
25 the Bureau of Reclamation to complete all require-

1 ments under the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.) and the Endan-
3 gered Species Act of 1973 (16 U.S.C. 1531 et seq.)
4 necessary to make final permit decisions on water
5 transfer requests associated with voluntarily
6 fallowing nonpermanent crops in the State, within
7 30 days of receiving such a request; and

8 (B) require the Director of the United States
9 Fish and Wildlife Service to allow any water transfer
10 request associated with fallowing to maximize the
11 quantity of water supplies available for nonhabitat
12 uses as long as the fallowing and associated water
13 transfer are in compliance with applicable Federal
14 laws (including regulations);

15 (7) participate in, issue grants, or otherwise
16 provide funding for, as soon as practicable after the
17 date of enactment of this Act, under existing author-
18 ity available to the Secretary of the Interior, pilot
19 projects to increase water in reservoirs in regional
20 river basins experiencing extreme, exceptional, or
21 sustained drought that have a direct impact on the
22 water supply of the State, including the Colorado
23 River Basin, provided that any participation, grant,
24 or funding by the Secretary with respect to the

1 Upper Division shall be with or to the respective
2 State;

3 (8) maintain all rescheduled water supplies held
4 in the San Luis Reservoir and Millerton Reservoir
5 for all water users for delivery in the immediately
6 following contract water year unless precluded by
7 reservoir storage capacity limitations;

8 (9) to the maximum extent possible based on
9 the availability of water and without causing land
10 subsidence or violating water quality standards—

11 (A) meet the contract water supply needs
12 of Central Valley Project refuges through the
13 improvement or installation of water conserva-
14 tion measures, water conveyance facilities, and
15 wells to use groundwater resources, which ac-
16 tivities may be accomplished by using funding
17 made available under the Water Assistance Pro-
18 gram or the WaterSMART program of the De-
19 partment of the Interior; and

20 (B) make a quantity of Central Valley
21 Project surface water obtained from the meas-
22 ures implemented under subparagraph (A)
23 available to Central Valley Project contractors;

24 (10) in coordination with the Secretary of Agri-
25 culture, enter into an agreement with the National

1 Academy of Sciences to conduct a comprehensive
2 study, to be completed not later than 1 year after
3 the date of enactment of this Act, on the effective-
4 ness and environmental impacts of saltcedar biologi-
5 cal control efforts on increasing water supplies and
6 improving riparian habitats of the Colorado River
7 and its principal tributaries, in the State and else-
8 where;

9 (11) make any WaterSMART grant funding al-
10 located to the State available on a priority and expe-
11 dited basis for projects in the State that—

12 (A) provide emergency drinking and mu-
13 nicipal water supplies to localities in a quantity
14 necessary to meet minimum public health and
15 safety needs;

16 (B) prevent the loss of permanent crops;

17 (C) minimize economic losses resulting
18 from drought conditions; or

19 (D) provide innovative water conservation
20 tools and technology for agriculture and urban
21 water use that can have immediate water sup-
22 ply benefits;

23 (12) implement offsite upstream projects in the
24 Delta and upstream Sacramento River and San Joa-
25 quin basins, in coordination with the California De-

1 partment of Water Resources and the California De-
2 partment of Fish and Wildlife, that offset the effects
3 on species listed as threatened or endangered under
4 the Endangered Species Act of 1973 (16 U.S.C.
5 1531 et seq.) due to actions taken under this Act;
6 and

7 (13) use all available scientific tools to identify
8 any changes to real-time operations of Bureau of
9 Reclamation, State and local water projects that
10 could result in the availability of additional water
11 supplies.

12 (d) OTHER AGENCIES.—To the extent that a Federal
13 agency other than agencies headed by the Secretaries has
14 a role in approving projects described in subsections (a)
15 and (c), this section shall apply to those Federal agencies.

16 (e) ACCELERATED PROJECT DECISION AND ELE-
17 VATION.—

18 (1) IN GENERAL.—Upon the request of the
19 State, the heads of Federal agencies shall use the
20 expedited procedures under this subsection to make
21 final decisions relating to a Federal project or oper-
22 ation to provide additional water supplies or address
23 emergency drought conditions pursuant to sub-
24 sections (a) and (c).

25 (2) REQUEST FOR RESOLUTION.—

1 (A) IN GENERAL.—Upon the request of
2 the State, the head of an agency referred to in
3 subsection (a), or the head of another Federal
4 agency responsible for carrying out a review of
5 a project, as applicable, the Secretary of the In-
6 terior shall convene a final project decision
7 meeting with the heads of all relevant Federal
8 agencies to decide whether to approve a project
9 to provide emergency water supplies.

10 (B) MEETING.—The Secretary of the Inte-
11 rior shall convene a meeting requested under
12 subparagraph (A) not later than 7 days after
13 receiving the meeting request.

14 (3) NOTIFICATION.—Upon receipt of a request
15 for a meeting under this subsection, the Secretary of
16 the Interior shall notify the heads of all relevant
17 Federal agencies of the request, including the
18 project to be reviewed and the date for the meeting.

19 (4) DECISION.—Not later than 10 days after
20 the date on which a meeting is requested under
21 paragraph (2), the head of the relevant Federal
22 agency shall issue a final decision on the project.

23 (5) MEETING CONVENED BY SECRETARY.—The
24 Secretary of the Interior may convene a final project
25 decision meeting under this subsection at any time,

1 at the discretion of the Secretary, regardless of
2 whether a meeting is requested under paragraph (2).

3 **SEC. 5. EMERGENCY ENVIRONMENTAL REVIEWS.**

4 To minimize the time spent carrying out environ-
5 mental reviews and to deliver water quickly that is needed
6 to address emergency drought conditions in the State, the
7 head of each applicable Federal agency shall, in carrying
8 out this Act, consult with the Council on Environmental
9 Quality in accordance with section 1506.11 of title 40,
10 Code of Federal Regulations (including successor regula-
11 tions) to develop alternative arrangements to comply with
12 the National Environmental Policy Act of 1969 (42 U.S.C.
13 4321 et seq.) during the emergency.

14 **SEC. 6. STATE REVOLVING FUNDS.**

15 (a) IN GENERAL.—The Administrator of the Envi-
16 ronmental Protection Agency, in allocating amounts for
17 each of the fiscal years during which the emergency
18 drought declaration of the State is in force to State water
19 pollution control revolving funds established under title VI
20 of the Federal Water Pollution Control Act (33 U.S.C.
21 1381 et seq.) and the State drinking water treatment re-
22 volving loan funds established under section 1452 of the
23 Safe Drinking Water Act (42 U.S.C. 300j–12), shall, for
24 those projects that are eligible to receive assistance under
25 section 603 of the Federal Water Pollution Control Act

1 (33 U.S.C. 1383) or section 1452(a)(2) of the Safe Drink-
2 ing Water Act (42 U.S.C. 300j–12(a)(2)), respectively,
3 that the State determines will provide additional water
4 supplies most expeditiously to areas that are at risk of
5 having an inadequate supply of water for public health and
6 safety purposes or to improve resiliency to drought—

7 (1) require the State to review and prioritize
8 funding for such projects;

9 (2) issue a determination of waivers within 30
10 days of the conclusion of the informal public com-
11 ment period pursuant to section 436(c) of title IV of
12 division G of Public Law 113–76; and

13 (3) authorize, at the request of the State, 40-
14 year financing for assistance under section
15 603(d)(2) of the Federal Water Pollution Control
16 Act (33 U.S.C. 1383(d)(2)) or section 1452(f)(2) of
17 the Safe Drinking Water Act (42 U.S.C. 300j–
18 12(f)(2)).

19 (b) EFFECT OF SECTION.—Nothing in this section
20 authorizes the Administrator of the Environmental Pro-
21 tection Agency to modify any funding allocation, funding
22 criteria, or other requirement relating to State water pol-
23 lution control revolving funds established under title VI
24 of the Federal Water Pollution Control Act (33 U.S.C.
25 1381 et seq.) and the State drinking water treatment re-

1 volving loan funds established under section 1452 of the
2 Safe Drinking Water Act (42 U.S.C. 300j–12) for any
3 other State.

4 **SEC. 7. EFFECT ON STATE LAWS.**

5 Nothing in this Act preempts any State law in effect
6 on the date of enactment of this Act, including area of
7 origin and other water rights protections.

8 **SEC. 8. TERMINATION OF AUTHORITIES.**

9 The authorities under section 4(a), paragraphs (1)
10 through (6) of section 4(c), paragraphs (8) and (9) of sec-
11 tion 4(c), paragraphs (11) through (13) of section 4(c),
12 section 5, and section 6 permanently expire on the date
13 on which the Governor of the State suspends the state of
14 drought emergency declaration.

AMENDMENT NO.

Calendar No.

Purpose: To modify the title.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.**S. 2198**

To direct the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies and disaster assistance to the State of California and other Western States due to drought, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. FEINSTEIN
(for herself and Ms. MURKOWSKI)

Viz:

1 Amend the title to read as follows: “To direct the
2 Secretary of the Interior, the Secretary of Commerce, the
3 Secretary of Agriculture, and the Administrator of the En-
4 vironmental Protection Agency to take actions to provide
5 additional water supplies to the State of California due
6 to drought, and for other purposes.”.

S. 2198 – Feinstein-Murkowski Substitute Amendment for Hotline
SECTION BY SECTION

- Section 1:** Short title and table of contents.
- Section 2:** Findings to describe the severity of the drought in California, and the factual basis to invoke emergency authorities under existing law.
- Section 3:** Definitions.
- Section 4:** Directs emergency projects to be carried out, consistent with existing laws and regulations, to provide more water to California during the drought emergency.
- Five provisions to maximize water supplies during the drought in California while operating within environmental laws and regulations:
 - **Delta Cross Channel Gates:** Federal agencies must open the Delta Cross Channel Gates for as long as possible consistent with the State Water Board’s January 31 order.
 - **Turbidity control:** Reclamation required to use updated models to determine how best to operate the water projects to provide substantial water deliveries to farms and cities while ensuring that turbid waters and the endangered Delta smelt that are attracted to them are not pulled into the pumps in the South Delta.
 - **Water pumping:** Federal agencies must provide maximum water supplies possible from Delta pumping while remaining consistent with the *Endangered Species Act* and both biological opinions.
 - **1:1 inflow-to-export ratio:** Solely for voluntary transfers and exchanges, establishes a 1:1 “inflow-to-export ratio” for San Joaquin River flows in April and May. This means that agricultural districts that are short water can use transfers that actually work to make up for reduced deliveries, and can move all the water they buy through the Delta.
 - **Temporary barriers and operable gates:** Expedites review of temporary barriers and operable gates in the Delta, which would help manage salinity and improve water quantity and quality.
 - Strict time limit of 30 days for federal agencies to decide whether to approve California water contractors’ requests to voluntarily fallow their non-permanent crops such as rice, and thus allow transfer of water to other users.
 - Pilot projects to increase reservoir water levels to avoid triggering shortage provisions that could affect California’s water supplies.
 - Rescheduled water supplies held for California contractors must be kept and made available unless there is not enough storage space in the San Luis and Millerton Reservoirs to keep both new and rescheduled water.
 - Reclamation allowed to meet refuge water requirements in California by installing or improving water conservation measures, conveyance facilities, and wells, as long as the actions do not cause land subsidence or violate water quality standards. This would allow some surface water to be freed up for delivery to water contractors

- National Academy of Sciences study to evaluate the effectiveness and environmental effects of saltcedar biological control efforts, including the potential to increase water supplies and improve riparian habitats in California.
- WaterSMART grant funding for California prioritized to assist communities with emergency water needs, to prevent loss of permanent crops and to minimize economic loss from the drought.
- Environmental projects in California to facilitate emergency water supply projects by offsetting their environmental effects.
- Agencies directed to use every scientific tool at their disposal so that they can make more accurate and real-time adjustments to the operations of California water projects to increase water supply.

Section 5: Requires agencies to use existing National Environmental Policy Act regulations to expedite reviews during the drought so that water projects in California can be done more quickly.

Section 6: Directs the EPA to prioritize Clean Water and Drinking Water State Revolving Funds awarded to California toward eligible projects that could provide additional water supplies most expeditiously to areas with the greatest water needs during the drought.

Expedites the State Revolving Funds' "Buy America" waiver determinations during the drought so that SRF applications in California are not delayed unreasonably.

Allows the State to refinance a local agency's debt, as authorized by the Clean Water Act, over a 40-year repayment period, which would then free up local funds during the drought to undertake additional water projects in California more immediately.

Section 7: Reaffirms the Act's respect for state laws and water rights.

Section 8: On the date the Governor of California suspends the state of drought emergency declaration, terminates specified authorities in the bill.

Subject: Conference Call with Tom

Location: 800-████-████ pass code █████

Start: 5/20/2014 3:30 PM

End: 5/20/2014 3:30 PM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Karen Clark

Required Attendees: Denny Rehberg; David L. Bernhardt; Joe Findaro

Resources: 800-████-████ pass code █████

Subject: Conference Call with Tom

Location: 800-████-████ pass code █████

When: 2014-05-20, 15:30 - 15:30 GMT -7:00 (0 minutes)

Organizer: Karen Clark (kclark@westlandswater.org)

Required Attendees: Denny Rehberg (drehberg@mercuryllc.com), David L. Bernhardt (DBernhardt@BHFS.com), Joe Findaro (joe.findaro@akerman.com) (joe.findaro@akerman.com)

From: Bernhardt, David L.
Sent: Wednesday, May 21, 2014 6:39 AM
To: Sarah Clark Woolf
Subject: Re: DC visit

Thanks Sarah. I left John a voicemail.

David Bernhardt

On May 21, 2014, at 9:31 AM, "Sarah Clark Woolf" <swoolf@westlandswater.org> wrote:

> David,
> John Harris is back in DC this week with Western Growers. He was hoping to touch base with you at some point to get your thoughts on the Feinstein bill and coordination with Western Growers. If you are free you can email John at this email address or give him a call. His cell is 559-████-████
> Sarah

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From: Jason Peltier

Sent: Wednesday, May 21, 2014 12:51 PM

To: David Bernhardt

Subject: FW: Sources of information for delta smelt salvage for 2012, 2013

ftp://ftp.dfg.ca.gov/salvage/Daily_Smelt_Summary/

Sheila Greene

Westlands Water District

400 Capitol Mall, 27th Floor

Sacramento, CA 95814

916-321-4567 voice

sgreene@westlandswater.org

From: Burman,Brenda W

Sent: Wednesday, May 21, 2014 3:33 PM

To: Bernhardt, David L.; James Watson; Walthall, Brent (bwalthall@kcwa.com)

Subject: IntialConceptOutlineforReporttoAccompanyRollout 05-21-14

Attachments: IntialConceptOutlineforReporttoAccompanyRollout 05-21-14.docx

Just a couple additions to risks and other approved conservation plans.

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Draft Outline of the Report To Accompany BDCP Legislative Conceptⁱ

1. Letter from Governor of California and Broad Range of Supporters Asking Congressional Delegation to Act
2. A Need to Act (5-10 pages)
 - a. Describe the longstanding consensus between the Federal government and the State of California that the current infrastructure and operational approach for managing water resources in the Bay Delta is unsustainable and that the conflict between ecosystem health and water deliveries has reached a tipping point.
 - b. Describe the risks of inaction to the State of California and nation.
 - i. Climate change/seawater rise
 - ii. Seismic Risk/Economic devastation
 - iii. Risks to Native Fish
 - iv. Unreliable supplies
 - c. Describe the significant broad scientific consensus regarding the ecological benefits of the BDCP.
 - i. Reducing reversed OMR flow, avoiding entrainment
 - ii. Improving habitat
 - iii. Other Stressors
 - d. Describe the core elements of the BDCP.
 - e. Describe why congressional authorization is needed and why it is imperative to move forward at this time without completing the Federal administrative processes.
 - f. Describe precedents where Congress has authorized similar conservation plans.
 - i. MSCP
 - ii. Platte River
 - iii.
3. A Decade of “Intensive Stakeholder and Public Engagement to Develop the BDCP” (5-10 pages)
 - a. Describe the decade of effort with the most jaw-dropping facts available – number of meetings held, the number of public comments received etc.
 - b. Describe bipartisan support over the last decade, quote from multiple governors, Secretaries of the Interior and Commerce, Members of Congress, etc.
 - c. Describe where the money came from and the people who have actually been accessed the cost to date.
4. The Architect of the BDCP - The State of California (5-10 pages)
 - a. Describe the State's authorities and the requirements necessary to reach the Notice and Determination and describe how these authorities satisfy or surpass competitive Federal requirements.
 - b. Describe Federal Agency collaboration going is envisioned going forward.

ⁱ All source documents will be compiled and coded to justify any claims made in report, but not included within report.

DRAFT

From: DCardoza@foley.com
Sent: Thursday, May 22, 2014 12:44 PM
To: Joe Findaro
CC: David Longly Bernhardt; Tom Birmingham; Dan Nelson; Ara Azhderian; Jason Peltier
Subject: Fwd: Sanders

Update

Congressman Dennis A. Cardoza
Foley & Lardner LLP
Suite 600
3000 K Street, NW<x-apple-data-detectors://0/0>
Washington, DC 20007-5109<x-apple-data-detectors://0/0>
Phone: 202.295-4015
Fax: 202.672.5399<tel:202.672.5399>
Email: dcardoza@foley.com<<mailto:dcardoza@foley.com>>

Sent from my iPhone

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Begin forwarded message:

From: "Yeung, Felix (Feinstein)" <Felix_Yeung@feinstein.senate.gov<mailto:Felix_Yeung@feinstein.senate.gov>>
Date: May 22, 2014 at 3:14:44 PM EDT
To: "DCardoza@foley.com<<mailto:DCardoza@foley.com>>" <DCardoza@foley.com<<mailto:DCardoza@foley.com>>>
Subject: RE: Sanders

Congressman,

Thank you for your message and for your offer to help. We have not received any notice from Sen. Sanders' office that they will object, so I would agree with you that it is just a rumor and nothing more.

Our team here (myself included) has explained to Sen. Sanders' staff how Sen. Feinstein's bill is completely respectful of existing environmental protections under the relevant laws and regulations. I have enjoyed my conversations with his team, and have told them that our door remains open to answer any concerns or questions they may have.

Best,
Felix

Felix S. Yeung, Esq.
Legislative Assistant
Office of Senator Dianne Feinstein

202.224.9646

-----Original Message-----

From: DCardoza@foley.com<<mailto:DCardoza@foley.com>> [<mailto:DCardoza@foley.com>]

Sent: Thursday, May 22, 2014 2:49 PM

To: Yeung, Felix (Feinstein)

Subject: Re: Sen. Feinstein's response to the Chronicle

Sanders was just a rumor btw. Dennis

Congressman Dennis A. Cardoza

Foley & Lardner LLP

Suite 600

3000 K Street, NW<x-apple-data-detectors://0/0> Washington, DC 20007-5109<x-apple-data-detectors://0/0>

Phone: 202.295-4015

Fax: 202.672.5399<tel:202.672.5399>

Email: dcardoza@foley.com<<mailto:dcardoza@foley.com>><<mailto:dcardoza@foley.com>>

Sent from my iPhone

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On May 22, 2014, at 9:31 AM, "Yeung, Felix (Feinstein)"

<Felix_Yeung@feinstein.senate.gov><mailto:Felix_Yeung@feinstein.senate.gov><mailto:Felix_Yeung@feinstein.senate.gov>>
wrote:

"[A] key part of 'shared public values' is actually getting water where it needs to go. Balancing environmental principles with practical water solutions is the goal of my bill, the Emergency Drought Relief Act."

<http://www.sfgate.com/default/article/Feinstein-Drought-bill-balances-principles-5496658.php>

Feinstein: Drought bill balances principles, practicality Dianne Feinstein Published 5:16 pm, Wednesday, May 21, 2014

The May 21 Chronicle editorial "Sen. Feinstein's wrong response to the drought" suggests a water policy is successful "if it protects widely shared public values." That is true. But I would argue that a key part of "shared public values" is actually getting water where it needs to go. Balancing environmental principles with practical water solutions is the goal of my bill, the Emergency Drought Relief Act.

Unfortunately, the Chronicle editorial board repeatedly mischaracterizes this legislation. First and foremost, the bill specifically states that all existing laws and regulations must be followed, including biological opinions, the Endangered Species Act, the Clean Water Act and other laws. In fact, when environmental groups came to my staff and said the bill did not cover court-approved biological opinions of both smelt and salmon, we promptly revised the bill text.

Environmental groups were also concerned that water for wildlife refuges would be of poor quality. Again, I accepted their suggested revision and clarified that if a refuge frees up surface water for water contractors, the substitute water received by the refuge must comply with all water quality standards.

Any suggestion that the bill changes, overrides or trumps any law is false. I do not support waiving the Endangered Species Act or the Clean Water Act. The House would support such waivers, and I have made clear I will not. Our bill simply provides operational flexibility for the federal Central Valley Project and the State Water Project, allowing agencies to deliver water where it is most needed.

Doing nothing is not an option. The status quo will only push California closer to becoming a true desert state, devastating our economy and raising food prices nationwide.

One provision that is repeatedly misinterpreted involves voluntary transfers of water from one water district to another.

This narrowly focused bill states that voluntary water transfers during the months of April and May would remain at a 1:1 ratio, while all other water in the river - the regular flow - would continue to be pumped at the percentage required by the salmon biological opinion.

The insinuation that this locks in pumping levels for the whole year, or that it affects the entire flow of the river and not just voluntary transfers, is incorrect. It is true we need a long-term solution. We need more storage to hold water from wet years for dry years. This should be addressed by a state water bond, which hopefully will be placed on the November ballot.

This bill is about providing water agencies with the ability to fairly distribute what water we do have. I believe this bill is vital for our state, and I will continue my efforts to push for water storage and increased operational flexibility of our water distribution systems while protecting fish and wildlife within existing law.

Dianne

Feinstein<<http://www.sfgate.com/?controllerName=search&action=search&channel=opinion%2Fopenforum&search=1&inlineLink=1&query=%22Dianne+Feinstein%22>> represents California in the U.S.

Senate<<http://www.sfgate.com/?controllerName=search&action=search&channel=opinion%2Fopenforum&search=1&inlineLink=1&query=%22U.S.+Senate%22>>.

Felix S. Yeung, Esq.
Legislative Assistant
Office of Senator Dianne Feinstein
202.224.9646

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From: Bernhardt, David L.
Sent: Friday, May 23, 2014 5:29 AM
To: 'Sarah Clark Woolf'
Subject: Thank you

Sarah: Thank you for your assistance in coordination this week. It was helpful and appreciated.

Thanks,
David

David Bernhardt

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From: Bernhardt, David L.

Sent: Friday, May 23, 2014 5:35 AM

To: Jason Peltier

Subject: Fwd: From E&E Daily -- WATER: Senate passes Feinstein drought bill

FYI



An E&E Publishing Service

WATER: Senate passes Feinstein drought bill (Friday, May 23, 2014)

Debra Kahn, E&E reporter

The Senate yesterday approved by unanimous consent a bill by Sen. Dianne Feinstein (D-Calif.) to address California's historic drought, setting up a conference with a House-passed bill that would go further toward overturning endangered species protections for fish.

The bill, [S. 2198](#), would dictate that federal agencies have to operate massive water pumps in the Sacramento-San Joaquin River Delta to maximize water deliveries to farms and cities farther south. The delta is the main hub of the state's water system, supplying 25 million people and 700,000 acres of farmland.

Feinstein took the bill to the Senate floor under a "hotline" procedure, which requires the tacit approval of all senators to hold a vote without any prior hearings.

The Senate bill is viewed as a short-term tool for this year, while the House bill, [H.R. 3964](#), would go further, undoing a San Joaquin River restoration program that has been the object of a court settlement and intricate compromises between state and federal officials for decades, as well as capping the delivery of water for environmental purposes, lengthening irrigation contracts and lifting certain environmental protections in area watersheds, among other controversial provisions ([E&E Daily](#), Feb. 6).

"The next step is working with the House to determine what measures we can agree on to improve water supplies," Feinstein said. "My hope is that this process can proceed quickly and bypass many of the controversial issues that have been raised in the past."

Co-sponsors include Sens. Barbara Boxer (D-Calif.), Harry Reid (D-Nev.), Dean Heller (R-Nev.), Robert Casey (D-Pa.), Dick Durbin (D-Ill.), Mazie Hirono (D-Hawaii), Jeff Merkley (D-Ore.), Jay Rockefeller (D-W.Va.), Debbie Stabenow (D-Mich.) and Ron Wyden (D-Ore.).

Although Feinstein introduced her bill with the intent to minimize controversy, that has not happened. Environmental groups reacted before and after the vote, imploring Feinstein to hold firm in negotiations with the House.

Feinstein's bill specifies that agencies are to comply with the Endangered Species Act protections for delta smelt and chinook salmon, but groups have said that fish could be hurt by a provision increasing the amount of water that farms and cities can receive relative to the amount of water entering the delta ([E&ENews PM](#), May 20).

The House bill, sponsored by Rep. David Valadao (R-Calif.), would bypass the biological opinions protecting the fish under the ESA, which control operations of the State Water Project and Central Valley Project when the fish are at risk.

"The drought legislation the Senate passed today is no solution to California's water woes, and ensuing negotiations with the House could make it even worse," said Doug Obegi, an attorney with the Natural Resources Defense Council.

"Birds and wildlife are suffering right alongside other sectors of the Central Valley due to this drought," said Mike Lynes, director of public policy for Audubon California. "Given the billions we have invested to protect birds and habitats in the Central Valley over the years, now is not the time to chuck all that out for limited, short-term relief."

Water users said earlier this week that they were looking forward to an opportunity to conference the two bills.

"What we really support is getting a bill passed from each house so they can get to the conference and start to get into some serious negotiations about taking some actions to fix these never-ending water supply issues we have in California," said Ron Jacobsma, general manager of the Friant Water Authority, which sued the Bureau of Reclamation on Tuesday over supply cutbacks ([Greenwire](#), May 21).

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From: Sarah Clark Woolf
Sent: Friday, May 23, 2014 8:39 AM
To: Bernhardt, David L.
Subject: Re: Thank you

Thank you. Your work resulted in a monumental step for Senator Feinstein and the Senate as a whole! thank you for making sure the cats all stayed in line on a complex issue.

Bernhardt, David L. <DBernhardt@BHFS.com> , 5/23/2014 5:28 AM:

Sarah: Thank you for your assistance in coordination this week. It was helpful and appreciated.

Thanks,
David

David Bernhardt

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From: Jason Peltier

Sent: Friday, May 23, 2014 8:48 AM

To: Dennis Cardoza; Joe Findaro; Denny Rehberg; Cathrine Karen; David Bernhardt

Subject: FW: Ops Group: Stockton Record goes to a new level of mythology

FYI

From: Jason Peltier [mailto:jpeltier@westlandswater.org]

Sent: Friday, May 23, 2014 8:47 AM

To: 'Ara Azhderian'; 'Jason Peltier'; 'Byron Buck'; 'Craig Manson'; 'Dan Nelson'; 'Daniel O'Hanlon'; 'David K Fullerton'; 'Frances Brewster'; 'Frances Mizuno'; 'Hutton,Paul H'; 'Joan Maher'; 'Jon Rubin'; 'Jose Gutierrez'; 'Karen Clark'; 'Roger Patterson'; 'Sheila Greene'; 'T Birmingham'; 'Tom Boardman'; 'Valerie Connor'; 'Stefanie Morris'; ameliam@kcwa.com; 'Curtis Creel'; 'Brent Walthall'; 'Stefanie Morris'

Subject: Ops Group: Stockton Record goes to a new level of mythology

Feinstein leaves S.J. high, dry

 [Print this Article](#)  [Email this Article](#)

By **Michael Fitzgerald**

Record Columnist

May 23, 2014 12:00 AM

To judge by the attention Sen. Dianne Feinstein pays the northern San Joaquin Valley, our region ranks somewhere between a very low priority and a moon colony.

There is, however, one end of the San Joaquin Valley that gets Feinstein's full attention: the southern end.

That politically connected region on Thursday was the beneficiary of Feinstein's water bill that took water from migrating baby salmon and gave it to desert farms.

The courts addressed this years ago. Faced with incontrovertible scientific evidence, the courts issued a "biological opinion" that too much water was being taken from the Delta; the estuary was dying; exports had to be curtailed.

Of course, scientific evidence is "incontrovertible" only to people who accept science. Down around Visalia, they make up their own reality. The Delta smelt is a bait fish, Ph.D. environmentalists are wackos, and the drought is "Congress-created."

Following this logic, the drought can be Congress-cured. Feinstein has done her best to satisfy these magic thinkers.

Her SB2198 not only weakens the biological opinion but the very Endangered Species Act, critics say. It appears to mandate that every drop of water that comes into the Delta from the San Joaquin River in the near future goes to the export pumps.

At the very least, it reduces the river's flow at the very time migrating salmon and steelhead need high flows to boost them past the giant, fish-grinding pumps.

Feinstein supports the twin tunnels, too.

"It appears that her priorities are certainly corporate ag interests in the south end of the Central Valley," said Stockton City Council member Kathy Miller. "Our voice doesn't seem to have been heard."

All this to bail out people who have managed farmland irresponsibly. Farmers and corporate ag barons planted hundreds of thousands of acres of permanent crops such as almonds, though their back-of-the-line rights to Delta water legally entitle them to water only in intermittent, very wet, years.

They rolled the dice. But they refuse to accept the consequences of their risk. The conservative tenet of individual responsibility? Ha. Farming down there is part agriculture and part power politics. When Mother Nature doesn't cooperate, find a politician who does.

"Sen. Feinstein's response to this unsustainable over-planting of permanent crops ... is to strip sustainable farms and fisheries of protections so these huge growers can water their unwise plantings," Barbara Barrigan-Parrilla of Restore the Delta said in a news release.

Feinstein's bill was whisked through the Senate by a hurry-up procedure known as "unanimous consent." Meaning it was passed without hearings, testimony or debate.

"Why does Congress have to get involved at all?" asked water activist Jerry Cadagan. "We're talking about the Endangered Species Act. If the problem is the Endangered Species Act, then start from scratch, go through the regular order, have committee meetings and all that and revise the Endangered Species Act."

Given that Feinstein works against this region's interests on this critical issue, and generally ignores us, it would seem there is no reason to vote for her.

But there is: Republicans are worse.

Earlier this year, Rep. David Valadao (R-Hanford) authored the ghastly H.R. 3964. This radical bill would authorize new dams, override state and federal environmental laws and all but kill the San Joaquin River restoration.

Who would abort a river's rebirth? Rustic Republicans, fighting to keep their part of California in a time warp. One irrigated at our expense.

The brutal bill died in the Senate - but it won't if Republicans win control of the Senate this November. That is food for serious thought. Yes, Obama would veto such legislation. But Obama terms out in two years. If a Republican wins the White House ...

Feinstein's bill now goes into conference with the Republican bill. A compromise will now be worked out between ghastly and semi-ghastly legislation. Even Dr. Pangloss would not be optimistic.

We are witnessing a throwback to the bad old days of California water policy by a gerontocracy of politicians (Gov. Brown, Feinstein) who, however skilled and powerful, have not embraced modern water solutions.

The truth is the drought is not a "manufactured crisis." "Reliable" water for desert agriculture is manufactured abundance. California has reached the end of manufactured abundance.

Contact columnist Michael Fitzgerald at (209) 546-8270 or michaelf@recordnet.com. Follow him at www.recordnet.com/fitzgeraldblog and on Twitter @Stocktonopolis.

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From: Jason Peltier

Sent: Friday, May 23, 2014 2:34 PM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'T Birmingham (tbirmingham@westlandswater.org)'; 'Dennis Cardoza'; 'James Watson'; Dan Nelson <Dan.Nelson@sldmwa.org>; Ara.azhderian@sldmwa.org

Subject: How she got it done per SF Chron

How Dianne Feinstein got Senate to pass drought bill in a flash

Posted on Friday, May 23 at 11:37am | By Carolyn Lochhead



Sen. Dianne Feinstein's [16-page drought bill](#) passed the Senate by unanimous consent [Thursday night](#), a remarkable political feat for California's senior Senator. There was no committee hearing, public review or Senate floor debate. It was the product instead of months of closed-door negotiations with various interests, including House Republicans, who passed a drought bill in February that would override environmental laws, Bay Area Democrats, who voiced their concerns, and various stakeholders including farm groups.

Feinstein [told us last week](#) that environmental groups "have never been helpful to me in producing good water policy."

Feinstein secured the assent of the leaders of the Senate Energy and Natural Resources Committee, which would have had jurisdiction: chairwoman Mary Landrieu, D-LA, and ranking Republican Lisa Murkowski, R-AK.

Feinstein's co-sponsor and fellow California Democrat Barbara Boxer, also remained firmly on board despite strong objections from environmentalists. Boxer has traditionally ceded water policy to Feinstein in their two decades in the Senate. Boxer [told KPCC's Kitty Felde](#) Thursday that the legislation is "not a great bill, but it's a good bill."

Feinstein lured Oregon Democrats with a Klamath River provision and Senate Majority Leader Harry Reid, D-NV with something for Lake Mead. And she removed \$300 million in spending for water projects that Republicans didn't like.

Still thwarted after months of effort since she and Boxer introduced their original bill in February, Feinstein resorted this week to a special leadership tool known as a “[hotline](#)” to flush out remaining dissenters. She had help from House Republicans urging their Senate colleagues to play ball.

The [C-Span video](#) above shows how fast something can happen in the usually gridlocked Senate once all the ducks are lined up. The clip is at 8:51:01

Here's the Congressional Record [transcript](#) of just before 7 p.m. EST Thursday:

Mr. REID. Madam President, it is my understanding that my request was at this point granted; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. Madam President, I ask unanimous consent that the Feinstein-Murkowski substitute amendment to S. 2198, which is at the desk, be agreed to, the bills, as amended where applicable, be read a third time and passed en bloc; that a Feinstein-Murkowski amendment to the title of S. 2198, which is at the desk, be agreed to; and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3227) in the nature of a substitute was agreed to.

(The amendment is printed in today's Record under “Text of Amendments.”)

The bill (S. 2198), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The amendment (No. 3228) was agreed to, as follows:
(Purpose: To modify the title)

Amend the title to read as follows: “To direct the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies to the State of California due to drought, and for other purposes.”.

The bill (H.R. 4032) was ordered to a third reading, was read the third time, and passed.

Here's Feinstein's [press release](#) explaining her bill.

Find the [response from the Westlands Water District](#) here.

See the [response from the Natural Resources Defense Council](#) here.

From: Tom Birmingham
Sent: Tuesday, May 27, 2014 8:59 AM
To: "Denny Rehberg; 'Bernhardt, David L.'"
Subject: Conference Call

Can we talk at 10:30 PDT (1:30 p.m. EDT, 11:30 a.m. MDT)? If yes, I will call each of you.

From: Bernhardt, David L.
Sent: Tuesday, May 27, 2014 9:22 AM
To: Tom Birmingham
CC: "Denny Rehberg"
Subject: Re: Conference Call

Yes

David Bernhardt

On May 27, 2014, at 12:00 PM, "Tom Birmingham" <tbirmingham@westlandswater.org> wrote:

Can we talk at 10:30 PDT (1:30 p.m. EDT, 11:30 a.m. MDT)? If yes, I will call each of you.

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From: Denny Rehberg
Sent: Tuesday, May 27, 2014 9:24 AM
To: Tom Birmingham
CC: Bernhardt, David L.
Subject: Re: Conference Call

Yes

.....
Mercury.

Denny Rehberg

Co-Chairman
(US Congressman 2001-2013)
The Portrait Building
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On May 27, 2014, at 9:59 AM, "Tom Birmingham" <tbirmingham@westlandswater.org> wrote:

Can we talk at 10:30 PDT (1:30 p.m. EDT, 11:30 a.m. MDT)? If yes, I will call each of you.

From: Jason Peltier

Sent: Tuesday, May 27, 2014 10:21 AM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'T Birmingham (tbirmingham@westlandswater.org)'; 'Dennis Cardoza'; 'James Watson'; 'Sue Ramos'

Subject: Farm Bureau on legislation [Woodland Daily Democrat], ALSO, attached, Judge's order denying TRO Friant sought.

Attachments: ODATA_From_2014Friant Water Auth. v. Jewell045 Memorandum Decision and O....pdf

Congress must act to address state's water crisis

By Rayne Pegg

CREATED: 05/24/2014 06:17:44 PM PDT [COMMENTS](#)

Federal drought legislation is critical to the long-term viability of California agriculture and rural communities. Water is an essential input for California family farms and ranches, which produce a bounty of nutritious food for other regions of the United States that are unable to produce food year-round. Today's consumer expects to find citrus, leafy greens and strawberries in the same grocery store visit, regardless of season. The reality is that growing food requires water and Congress must take action to address California's perpetual water crisis.

In February, the House of Representatives passed legislation containing a long-term drought solution that opponents consider sweeping and controversial but that offers a balancing of agricultural and environmental water needs. The Senate has taken a different approach, focused on short-term solutions to ease the bureaucratic deadlock that stifles the ability of any agency to make decisions swiftly. Neither legislative proposal is perfect but they set the stage for a long-overdue discussion on policies that affect how we store and allocate water.

Over the years, biological opinions involving fish species protected under the Endangered Species Act have immobilized agencies from storing water in preparation for dry months, in favor of releasing water for flood control or for fish. This year was the first time in history that both State Water Project and Central Valley Project water users were told they would get a zero water allocation from the two projects, although the state project later said it could deliver 5 percent to its customers. The cutbacks occurred despite more water being available this year than in 1977, which was one of California's driest years ever recorded but a year in which project customers still received partial supplies.

It's troubling our system is unable to find a way to balance the needs of people and protected species. The House and Senate legislative proposals provide the framework for a conversation that must take place to modernize California's water system for the benefit of farmers and ranchers, rural communities, people throughout the state and its environment.

It's been suggested the Senate bill is intended to help the "super rich farmers" in the Central Valley. While California is home to many successful farming families who have built large-scale businesses from a single

farmstand, there are far more small and mid-sized farmers and ranchers, as well as those who work in agriculture and our rural communities, who continue to be harmed by poor water policies.

With predictions of an El Niño year coming in 2015, our greatest fear is that policymakers will again kick the can down the road, leaving this topic, again, for another day. We may or may not experience more rain next year, but history shows us wet years come with dry years in between. Rain will not resolve the policies that still plague our system and don't allow for better planning and management of water.

The reality is our water infrastructure is outdated, and so is the way we operate that infrastructure. We need to optimize the infrastructure we have and look forward toward a solution that supplies water in a balanced fashion to people, fish and agriculture.

We need all of our California representatives to understand that doing nothing would be shortsighted and that our water system does not well serve the environment, urban communities or farmers, now or for the future.

Without the House and Senate sitting down and hammering out a bipartisan solution, it is not the "super rich" family farmer who will suffer but the multi-generation family farmer who has every dollar in the ground and no water to grow a crop.

Rayne Pegg is manager of the California Farm Bureau Federation Federal Policy Division. She may be contacted at rpegg@cfbf.com.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRIANT WATER AUTHORITY, et al.,

Plaintiffs,

v.

**SALLY JEWELL, as Secretary of the UNITED
STATES DEPARTMENT OF THE INTERIOR, et
al.,**

Defendants,

**SAN JOAQUIN RIVER EXCHANGE
CONTRACTORS WATER AUTHORITY, et al.,**

Intervenors,

**SAN LUIS & DELTA-MENDOTA WATER
AUTHORITY, et al.,**

Defendant-Intervenors.

Case No. 1:14-CV-000765-LJO-BAM

**MEMORANDUM DECISION AND
ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING
ORDER (DOC. 3)**

I. INTRODUCTION

Plaintiff Friant Water Authority (“Friant”) is a California joint powers authority that consists of twenty-one member water, water conservation, water storage and irrigation districts, as well as the City of Fresno, all located on the east side of the southern San Joaquin Valley. Friant and its member agencies¹ (collectively, “Plaintiffs”) bring this lawsuit against the United States Department of the Interior (“Interior”), Interior’s member agency, the United States Bureau of Reclamation (“Reclamation” or “the Bureau”), as well as various federal officers² (collectively, “Federal Defendants”). Also named as defendants are Grassland Water District (“GWD”) and Grassland Resource Conservation District (“GRCD”) (collectively, “Grasslands”). *See generally* Doc. 1

¹ The member agencies are: the City of Fresno, Fresno Irrigation District, Arvin-Edison Water Storage District, Delano-Earlimart Irrigation District, Exeter Irrigation District, Ivanhoe Irrigation District, Kaweah Delta Water Conservation District, Kern-Tulare Water District, Lindmore Irrigation District, Lindsay-Strathmore Irrigation District, Lower Tule River Irrigation District, Madera Irrigation District, Orange Cove Irrigation District, Pixley Irrigation District, Porterville Irrigation District, Saucelito Irrigation District, Shafter-Wasco Irrigation District, Stone Corral Irrigation District, Tea Pot Dome Water District, Terra Bella Irrigation District, and Tulare Irrigation District. Doc. 1 (“Compl.”) at 1 & ¶¶ 12-28.

² The Complaint also names Sally Jewell, Secretary of the United States Department of the Interior; Lowell Pimley, Acting Commissioner of the Bureau; David Murillo, Regional Director of the Bureau; and Michael Jackson, Area Manager of the South-Central California Area Office of the Bureau. Compl. at 2.

1 (“Compl.”).

2 Friant’s members contract with Reclamation for the delivery of water from the Friant Unit of the
3 Central Valley Project (“CVP”). One of the principal features of the Friant Unit is Friant Dam, located
4 in the foothills northeast of the City of Fresno, which impounds the waters of the upper San Joaquin
5 River in Millerton Lake. Before the Court for decision is Friant’s motion for a temporary restraining
6 order (“TRO”), seeking to enjoin Federal Defendants, from continuing to release water from Millerton
7 to satisfy the demands of downstream “Exchange Contractors.” Doc. 4. The Exchange Contractors hold
8 priority “Exchange Contracts” with Reclamation, reflecting the fact that the Exchange Contractors held
9 rights to the waters of the San Joaquin River that pre-date Reclamation’s construction of the Friant Unit.
10 *See* Compl. at ¶¶ 2, 3.

11 Reclamation normally satisfies the demands of the Exchange Contractors by providing them with
12 “substitute water” transported from Northern California through facilities in the Sacramento-San
13 Joaquin Delta, thereby freeing up much of the water stored at Millerton for use by Friant’s members. In
14 recent weeks, however, Reclamation began releasing water from Millerton to satisfy the Exchange
15 Contractors’ demands. According to Plaintiffs, Reclamation is doing so because it has decided to
16 allocate some of the water that normally would serve as “substitute water” to wildlife refuges and the
17 State Water Project (“SWP”). Compl. at ¶ 10. As a result, Reclamation has allocated no water to the
18 Friant member agencies in 2014. *Id.* at ¶ 9. According to Plaintiffs, this “means nothing less than the
19 collapse of the agriculture-dependent economies of Madera, Fresno, Tulare, and Kings Counties.” Doc.
20 4 at 6. Plaintiffs argue Reclamation’s actions violate the terms of the Friant users’ contracts with
21 Reclamation; the Central Valley Project Improvement Act (“CVPIA”), Pub. L. No. 102-575, 106 Stat.
22 4600; and Section 8 of the 1902 Reclamation Act, 43 U.S.C. § 383.³

23 Oppositions to the TRO motion were filed by Federal Defendants, Doc. 34; and Grasslands, Doc.
24

25 ³ These arguments correspond with the first through third claims for relief in Plaintiffs’ Complaint. The Complaint contains
26 two additional causes of action, but Plaintiffs do not raise those claims in their TRO papers. Accordingly, the Court will not
address the fourth and fifth claims here.

30. The Court granted motions to intervene filed by the Exchange Contractors, and by San Luis & Delta Mendota Water Authority and one of its member agencies, Westlands Water District. Docs. 43 & 44. Both sets of intervenors also filed oppositions. Doc. 29 & 36.

II. STANDARD OF DECISION

In order to secure injunctive relief⁴ prior to a full adjudication on the merits, a plaintiff must show “that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008). Injunctive relief is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Id.* at 22.

The Ninth Circuit follows a “sliding scale” approach to preliminary injunctions. *See Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). Under this approach, a weaker showing as to the likelihood of success on the merits may be offset by a stronger showing with respect to the balance of the equities. *Id.* at 1131-32. For example, if the moving party is unable to establish a likelihood of success on the merits, preliminary injunctive relief may still be had if the party can show that (1) there are at least “serious questions” going to the merits; (2) the balance of the hardships tips “sharply” in its favor; and (3) the other factors listed in *Winter* (i.e., irreparable harm and in the public interest) are satisfied. *Id.* at 1135. “Serious questions” in the context of preliminary injunctive relief are those that are “substantial, difficult, and doubtful, as to make them a fair ground for litigation and thus for more deliberative investigation.” *Republic of Philippines v. Marcos*, 862 F.2d 1355, 1362 (9th Cir. 1988) (citation and internal quotation marks omitted). They do not need to “promise a certainty of success, nor even present a probability of success, but must involve a fair chance of success on the merits.” *Id.* (citation and internal quotation marks omitted).

⁴ The substantive standard for granting a temporary restraining order is the same as the standard for entering a preliminary injunction. *See New Motor Vehicle Bd. of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 n. 2 (1977).

III. FACTUAL BACKGROUND**A. The CVP.**

In *Westlands Water District v. United States*, 337 F.3d 1092 (*Westlands VII*)⁵, the Ninth Circuit succinctly summarized the history of relevant aspects of the CVP:

A. Central Valley Project

The Central Valley Project (“CVP”) is “the largest federal water management project in the United States.” *Central Delta Water Agency v. United States*, 306 F.3d 938, 943 (9th Cir. 2002). “[L]ocated in the Central Valley Basin of California, which is roughly 400 miles long by 120 miles wide, [it] includes the major watersheds of the Sacramento and San Joaquin river systems.” *Id.* These two river valleys merge at the Sacramento San Joaquin Delta, where the waters mix and then flow through the Carquinez Strait into the San Francisco Bay, continuing to the Pacific Ocean. *Id.*; *United States v. Gerlach Live Stock Co.*, 339 U.S. 725, 728 (1950). The Sacramento River has almost twice as much water as the San Joaquin River but the Sacramento Valley has very little tillable soil, while about “three-fifths of the [San Joaquin] valley lies in the domain of the less affluent San Joaquin.” *Gerlach Live Stock*, 339 U.S. at 728; *see also Dugan v. Rank*, 372 U.S. 609, 612 (1963). To alter this imbalance and to make water available to the San Joaquin Valley, the state of California embarked on re-engineering its natural water distribution through the authorization of the Central Valley Project (“CVP”). [The] United States took over administration of this project in 1935. *Gerlach Live Stock*, 339 U.S. at 728.

⁵ *Westlands VII* is the culmination of a series of decisions that may be referenced as follows to keep numbering consistent with the scheme set forth in *Westlands VII*:

- *Westlands Water Dist. v. U.S. Dept. of Interior*, 805 F. Supp. 1503 (E.D. Cal. 1992) (“*Westlands 0*”) (granting motion for judgment on pleadings filed by Friant, and joined by Exchange Contractors, and motion to dismiss filed by United States, concerning priority rights of Exchange Contractors).
- *Westlands Water Dist. v. Firebaugh Canal*, 10 F.3d 667 (9th Cir. 1993) (“*Westlands I*”) (affirming district court decision that Bureau did not act arbitrarily and capriciously in 1992 water allocation decisions, but declining to rule on contractual obligations to apportion water).
- *Westlands Water Dist. v. United States*, 850 F. Supp. 1388 (E.D. Cal. 1994) (“*Westlands II*”) (granting motion to dismiss certain claims, but denying motion as to contract claims).
- *Westlands Water Dist. v. Patterson*, 864 F. Supp. 1536 (E.D. Cal. 1994) (“*Westlands III*”) (denying motion for preliminary injunction, with lengthy analysis of Exchange Contract and Friant contracts).
- *Westlands Water Dist. v. Patterson*, 900 F. Supp. 1304 (E.D. Cal. 1995) (“*Westlands IV*”) (granting summary judgment that Exchange Contractors rights were prior and prevented apportionment with junior users of San Luis Reservoir).
- *Westlands Water Dist. v. United States*, 100 F.3d 94 (9th Cir. 1996) (“*Westlands V*”) (vacating *Westlands IV* because plaintiffs should have been granted leave to voluntarily dismiss under Fed. R. Civ. P. 41(a)(2), and remanding for consideration of attorney’s fees for voluntary dismissal).
- After voluntary dismissal on remand from the Ninth Circuit was conditioned on payment of attorney’s fees, plaintiffs decided not to dismiss, and summary judgment motions were briefed. *Westlands Water Dist. v. United States*, 153 F. Supp. 2d 1133 (E.D. Cal. 2001) (“*Westlands VI*”) (granting summary judgment in favor of United States, Exchange Contractors, and Friant water-users).
- *Westlands Water Dist. v. United States*, 337 F.3d 1092 (9th Cir. 2003) (“*Westlands VII*”) affirming summary judgment in favor of United States, Exchange Contractors, and Friant).

The CVP's purpose is to "improv[e] navigation, regulat[e] the flow of the San Joaquin River and the Sacramento River, control[] floods, provid[e] for storage and for the delivery of the stored waters thereof, for the reclamation of arid and semiarid lands and lands of Indian reservations, and other beneficial uses, and for the generation and sale of electric energy." Act of August 26, 1937, Pub. L. No. 75 392, 50 Stat. 844, 850. To accomplish the project's purposes, CVP's construction includes a series of many dams, reservoirs, hydropower generating stations, canals, electrical transmission lines, and other infrastructure. *Gerlach Live Stock*, 339 U.S. at 733.

The United States Bureau of Reclamation ("Bureau"), a division of the Department of the Interior, operates the CVP. The California State Water Resources Control Board grants permits for water appropriation from the CVP. The Bureau appropriates water from various sources and delivers it to permit holders for beneficial uses. *Central Delta Water*, 306 F.3d at 943.

1. San Luis Unit of the CVP

The San Luis Unit, one of the many water management units of the CVP, was authorized by the San Luis Act of 1960. Pub. L. No. 86-488, 74 Stat. 156 (June 3, 1960). The San Luis Unit, an integral part of the CVP, consists of the San Luis Dam and the San Luis Reservoir. The San Luis Reservoir was constructed to provide water to Merced, Fresno and King Counties, and is used to store surplus water from the Sacramento-San Joaquin Delta, for delivery to contractors such as Westlands and San Benito. The Tracy Pumping Plant pumps water from the Sacramento-San Joaquin Delta into the Delta-Mendota Canal. The Delta-Mendota Canal, located south of the Sacramento-San Joaquin Delta, channels water along the west side of the San Joaquin Valley for use in the San Luis Unit and Reservoir. *Westlands Water Dist. v. Patterson*, 864 F. Supp. 1536, 1539 (E.D. Cal. 1994) (*Westlands III*).

2. Friant Unit of the CVP

Around 1939, the Bureau took over construction of a dam on the San Joaquin River that eventually created Lake Millerton and the Friant Unit of the Central Valley Project. See *Gerlach Live Stock Co.*, 339 U.S. at 728-29; *Westlands III*, 864 F. Supp. at 1539. The Friant Unit impounds the waters of the San Joaquin River at a dam constructed at Friant, California, approximately sixty miles upstream from Mendota, diverting a major portion of the flow of the San Joaquin River both to storage in Millerton Lake and into the Friant-Kern and Madera Canals for delivery to local water users. *Dugan*, 372 U.S. at 612-13. The CVP also diverts water from the Sacramento River into the San Joaquin Valley to make additional water available for use in the San Joaquin Valley.

B. Exchange Contractors

To fulfill the purposes of the Rivers and Harbors Act of 1937, the Secretary of the Interior was given the right to acquire water rights for the development of the CVP. Act of August 26, 1937, Pub. L. No. 75-392, 50 Stat. 844, 850. The Exchange Contractors hold both pre-1914 riparian and appropriative rights to the San Joaquin River. Cal. State Water Rights Bd. Dec. D-935, 80 (1959). The district court noted that the cooperation of the Exchange Contractors made possible the expansion of the CVP and the San Luis Unit. *Westlands Water Dist. v. United States*, 153 F. Supp.2d 1133, 1146-47 (E.D. Cal. 2001) (*Westlands VI*). To provide a reliable source of water for its proposed canals, the Bureau had to assure that the Exchange Contractors' pre-existing rights would be satisfied. *Westlands III*, 864 F. Supp. at 1539.

In 1939, the Exchange Contractors entered into two contracts with the United States: a Purchase Contract and an Exchange Contract. "Under the Purchase Contract, the Exchange Contractors sold all [of] their San Joaquin River water rights to the United States, except for 'reserved water,' water to which the Exchange Contractors [hold] vested rights. Simultaneously, under the Exchange Contract, the Exchange Contractors agreed not to exercise their [reserved water] rights" to the San Joaquin River, so long as they receive certain volumes of substitute water. *Id.*

Pursuant to the Exchange Contract, the exchange of water is a conditional permanent substitution of water supply. The United States has a right to use the Exchange Contractors' water rights "so long as, and only so long as, the United States does deliver to the Contracting Entities by means of the Project or otherwise substitute water in conformity with this contract." The Exchange Contract defines "substitute water" as "all water delivered ... regardless of source." The contract further provides that "[i]t is anticipated that most if not all of the substitute water provided the [Exchange Contractors] hereunder will be delivered to them via the [] Delta-Mendota Canal."

Water allocation in any year is designated as a full year supply of 100 percent. In critical years, the water supply can be reduced by approximately twenty-five percent. If there exists a temporary interruption of waters from the Delta-Mendota Canal, the [Exchange] contract provides that the United States will deliver water stored in Millerton Lake behind the Friant Dam.

Westlands VI, 337 F.3d at 1095-97 (footnotes omitted).

B. Exchange Contracts.

Article 4a of the Exchange Contracts, "Conditional Permanent Substitution of Water Supply," authorizes the United States to annually exercise the Exchange Contractors' San Joaquin River water rights, conditioned on a return supply of substitute water:

The United States may hereafter, either in whole or in part, store, divert, dispose of and otherwise use, within and without the water-shed of the aforementioned San Joaquin River, the aforesaid reserved waters of said river for beneficial use by others than the [Exchange Contractors] so long as, and only so long as, the United States does deliver to the [Exchange Contractors] by means of the [Central Valley] Project or otherwise substitute water in conformity with this contract.

Declaration of Jennifer Buckman, Doc. 15, Ex. E. at art. 4a.

Article 4b grants the Exchange Contractors a federal contractual right to receive San Joaquin River water during temporary interruptions of delivery of the substitute waters:

Whenever the United States is temporarily unable for any reason or for any cause to deliver to the [Exchange Contractors] substitute water from the Delta–Mendota Canal or other sources, water will be delivered from the San Joaquin River as follows:

(1) During this period, for the first 7 consecutive days, in the quantities and rates as specified in Article 8 of this contract;

(2) For the balance of this period, in quantities and rates as reserved in the Purchase Contract, except that the United States further agrees that if the resulting delivery of water would be less than seventy-two per centum (72%) of Schedule One in said Purchase Contract then the United States shall make up such quantities by releases of available storage from Millerton Lake, provided, however, that the United States shall in no event be required to draw the storage in Millerton Lake below Elevation 464.00 U.S.G.S. datum or to retain water in storage for such releases.

Id. at art. 4b.

If the government permanently fails to provide the Exchange Contractors with substitute water, Exchange Contract Article 4c requires the government to release the “reserved” San Joaquin River water (they continue to own) held at Friant Dam:

Whenever the United States is permanently unable for any reason or for any cause to deliver to the [Exchange Contractors] substitute water in conformity with this contract, the [Exchange Contractors] shall receive the said reserved waters of the San Joaquin River as specified in said Purchase Contract and the United States hereby agrees to release at all such times said reserved waters at Friant Dam.

Id. at art. 4c.

The Exchange Contracts expressly reserve discretion to the United States to provide substitute water from “the Sacramento River, the Sacramento-San Joaquin Delta and other sources through the

Delta-Mendota Canal of [the CVP] and by other means.” *Id.* at 3. The Exchange Contracts also “anticipated that most if not all of the substitute water provided the [Exchange Contractors] will be delivered to them via the aforementioned Delta-Mendota Canal.” *Id.* at art. 5a. “By this language, the Bureau contractually selected the Sacramento River, Delta, and Delta–Mendota Canal as the primary source of substitute water.” *Westland Water Dist. v. United States*, 153 F. Supp. 2d 1133, 1152-54 (E.D. Cal. 2001) (“*Westlands VI*”).

C. Friant Water Users’ Contracts.

When the San Luis Unit was added to the CVP, water districts that received water from the Friant Division were concerned that addition of the San Luis Unit, which provides water to various water districts on the west side of the San Joaquin Valley, “could reduce availability of Sacramento River and Delta water, which would require the Exchange Contractors to exercise their San Joaquin River water rights in future times of shortage, which in turn would reduce” water available to the Friant Unit contractors. *Westlands VI*, 153 F. Supp. 2d at 1156. *Westlands VI* discussed a December 29, 1959, letter, in which H.P. Dugan, Director of Region 2 of the Bureau of Reclamation, wrote:

I confirm to you that it has been, is, and will continue to be the policy and practice of the United States to utilize the water available to it or made available to it [from] ... the Sacramento River and its tributaries and the Sacramento–San Joaquin Delta to first satisfy the requirements of the Exchange Contract and Schedule 2 of the Purchase Contract so long as it is legally and reasonably physically possible for it to satisfy these requirements.

Id. at 1155-56 (internal citation omitted)

Friant water users requested their existing contracts be amended to cause the United States to do everything to ensure that the Exchange Contractors receive their full allocation of substitute water, to prevent them from exercising their San Joaquin River water rights to the detriment of those water-districts. *Id.* at 1156. Eventually, all of Plaintiffs’ contracts with Reclamation were amended to provide:

The United States agrees that it will not deliver to the Exchange Contractors thereunder waters of the San Joaquin River unless and until required by the terms of said contract, and the United States further agrees that it will not voluntarily and knowingly determine itself unable to deliver to the Exchange Contractors entitled thereto from water that is available or

that may become available to it from the Sacramento River and its tributaries or the Sacramento-San Joaquin Delta those quantities required to satisfy the obligations of the United States under said Exchange Contract.

Buckman Decl., ¶ 3 & Ex. A at art. 3n.

D. Grasslands.

GWD, a public agency formed under California law, operates and manages the conveyance system that delivers water to eight wildlife habitat areas (“refuges”) covering approximately 75,000 acres in the western San Joaquin River Valley. Declaration of Ricardo Ortega, Doc. 30-2, at ¶ 1. GWD receives water from Reclamation through the CVP, and delivers it to units of the San Luis National Wildlife Refuge managed by the United States Fish and Wildlife Service (“USFWS”), the Los Banos and North Grasslands Wildlife Areas managed by the California Department of Fish and Wildlife (“CDFW”), and privately managed wetlands in GCRD. *Id.* at ¶ 3.

GWD and the refuges it serves rely almost exclusively on the water delivered by Reclamation through the CVP under long-term contracts for the delivery of refuge water supplies (“Refuge Contracts”). *Id.* at ¶ 4. GWD’s water supplies are dedicated under the CVPIA as permanent “mitigation for fish and wildlife losses incurred as a result of construction, operation, or maintenance of the Central Valley Project.” CVPIA § 3406(a); Ortega Decl. at ¶ 5. CVPIA refuges have been continually managed for wildlife purposes since the construction of Friant Dam on the San Joaquin River in the early 1940’s, which altered the natural flood hydrology of the lower San Joaquin River. Ortega Decl. at ¶ 7. The refuges are “managed” habitats: refuge managers provide controlled applications of water using a series of canals and control structures, mimicking historical flood patterns with pulses of high water flow during winter and spring. *Id.*

The refuges served by GWD are within the Grasslands Ecological Area (“GEA”). *Id.* at ¶ 5. The GEA is the largest freshwater wetland complex west of the Rocky Mountains. *Id.* It is the largest component of the remaining approximately five percent of historical wetlands that once covered vast tracts of California’s Central Valley. *Id.* Refuges within the GEA are located south of the Sacramento-

San Joaquin Delta (“Delta”) and they encompass the majority of the wildlife habitat mitigation areas listed in CVPIA section 3406(d). *Id.*

The GEA provides crucial habitat for the survival of millions of migratory waterfowl and other birds each year, as well as hundreds of other protected species, including the last known population of the threatened giant garter snake in the western San Joaquin Valley. *Id.* at ¶ 6. The GEA is a key stop for migrating birds on the Pacific Flyway, an internationally significant north-south migratory waterfowl corridor, and is designated as a critically important habitat area under two international treaties: as a “Wetland of International Significance” under the international RAMSAR Convention on Wetlands, and an “Area of International Concern” under the North American Waterfowl Management Plan, an international treaty among the United States, Canada, and Mexico. *Id.* The GEA is also designated as an Audubon Important Bird Area and a Western Hemisphere Shorebird Reserve Network Site of International Importance. *Id.*

Under both the CVPIA and the Refuge Contracts, there are two categories of CVP refuge water supplies: “Level 2” represents two thirds of the water needed to sustain the refuges, and “Incremental Level 4” represents the remaining one third (the full amount is called “Level 4”). *Id.* at ¶ 8; Affidavit of Ellen Trescott, Ex. A at 10-11, Contract Article 3; CVPIA §§ 3406(d)(1) and (2). Reclamation delivers 125,000 acre-feet of Level 2 refuge water supplies annually to GWD for the privately managed wetlands in the GRCD (the full congressionally mandated Level 4 amount is 180,000 acre-feet). *Id.* GWD also conveys 30,000 acre-feet of Level 2 water to other refuges within the GEA. *Id.* This Level 2 water is typically diverted from the Delta, stored in San Luis Reservoir temporarily, and delivered to refuges when needed in the fall, winter, and spring. *Id.* Incremental Level 4 supplies are obtained from other sources, primarily water purchased from other members of the San Luis & Delta Mendota Water Authority, including the San Joaquin River Exchange Contractors. *Id.*

In critically dry hydrologic years, the Refuge Contracts and section 3406(d) of the CVPIA authorize reductions in Level 2 refuge water deliveries by no more than 25%. Ortega Decl. ¶ 9; Trescott Aff., Ex. A, at 15; CVPIA s 3406(d)(4). Since the enactment of the CVPIA in 1992, refuges have never

E. Current Hydrologic Conditions & Reclamation's Actions.

There is no dispute that California is in the midst of an historic, extreme drought. *See* Declaration of Ronald Milligan, Doc. 34-1, Ex. 1 at ¶ 6. In early May 2014, the California Department of Water Resources (“DWR”) projected hydrologic conditions in both the Sacramento Valley and the San Joaquin Valley will be Critically Dry for Water Year 2014. *Id.* at ¶ 7. On January 17, 2014, the Governor of California issued a drought emergency proclamation, followed by a second proclamation on April 25, 2014. *Id.* at ¶ 7b. In light of the current conditions, the State Water Resources Control Board (“State Water Board” or “SWRCB”) issued several Temporary Urgency Change Orders to the CVP and SWP (“the Projects”), temporarily modifying implementation of State Water Board Decision D-1641, which regulates salinity levels in the Delta by requiring minimum outflow requirements and regulating exports by the Projects. *Id.* at ¶ 8. Among other things, the State Water Board’s Temporary Urgency Change Orders require the Projects to take measures to maintain upstream storage, including reducing Delta outflow requirements and reducing allowable exports. *Id.* Among other things, relevant federal and state agencies collaborated to develop the Central Valley Project and State Water Project Drought Operations Forecast (“Drought Operations Plan”) in order to meet requirements placed on the Projects by the State Water Board and to meet requirements under the Endangered Species Act (“ESA”). *Id.* at ¶ 19. The CVP and SWP “operate in a coordinated manner” because it is “largely impractical to operate the Projects day to day, based on appropriative priority. *Id.* at ¶ 13. The current Coordinated Operations Agreement (“COA”) between the CVP and SWP has been in place since 1986 and includes complicated accounting rules to ensure the projects meet water quality objectives, instream flow requirements, and other environmental responsibilities, as well as to apportion project yield. *Id.* at ¶ 14. Reclamation is required to operate the Project consistent with the COA. Pub. L. 99-546, 50 Stat 850; SWRCB Decisions D-1020, D-1275.

As part of the Drought Operations Plan and in order to maximize export capacity at the state and federal pumping facilities while minimizing impacts to the environment, Reclamation and DWR agreed

to shift most pumping operations to the federal Jones Pumping Plant and to account any water exported as CVP water. *Id.* at ¶ 21. Nothing in the Drought Operations Plan or the COA allows for the SWP to share 50/50 water that has been moved under CVP water rights to San Luis Reservoir. *Id.* at ¶¶ 14, 24.

In light of the constraints imposed by this year's conditions, Reclamation determined it cannot meet its obligations to the Exchange Contractors using only water from the Sacramento River and its tributaries and/or the Sacramento-San Joaquin Delta. *Id.* at ¶ 28. Thus, on May 15, Reclamation began releasing water from Millerton to meet the Exchange Contractors' demands. *Id.*

In February 2014 Reclamation announced a 40% allocation of Level 2 water supplies to refuges, and a 40% allocation of CVP water to the Exchange Contractors. *Id.* at ¶ 7b; Trescott Decl., Ex. C. In May 2014, Reclamation increased the allocation for both sets of contractors to 65%. This is in keeping with Reclamation's longstanding policy and practice of allocating the same percentage of water supplies to the Exchange Contractors and Refuge Contractors. Trescott Decl., Ex. C. 65% is the lowest allocation to both the Exchange Contractors and the Refuge Contractors on historical record. Ortega Decl. ¶ 9; Trescott Decl., Ex. C.

Low water allocations to other CVP contractors also make it highly unlikely that Incremental Level 4 water will be available for Reclamation to purchase this year. Ortega Decl. ¶ 11. The Exchange Contractors are typically the largest supplier of Incremental Level 4 water, but will not be transferring water to refuges this year. *Id.* In addition, only nominal local groundwater supplies are available to GWD, totaling only approximately 5 percent of its CVPIA water supply. *Id.*

IV. DISCUSSION

A. Likelihood of Success on the Merits.

1. First Claim for Relief - For Adjudication of Contract Rights.

Plaintiffs' First Claim for Relief requests adjudication of rights under the contracts between Plaintiffs, Grassland, and the United States. Compl. at ¶¶ 76-83. This claim also asserts in passing that Reclamation's actions are "contrary to the rights of the Exchange Contracts." *Id.* at ¶ 82. However, Plaintiffs' contract claim points to no language in either the Grasslands Contract or the Exchange

Contracts for the Court to adjudicate. Instead, Plaintiffs allege that Reclamation's conduct violates Article 3(n) of the contracts between Plaintiffs and the United States, in which the United States agreed it would not "deliver to the Exchange Contractors thereunder waters of the San Joaquin River unless and until required by the terms of said contract" and further agreed that it would not

"voluntarily and knowingly determine itself unable to deliver to the Exchange Contractors entitled thereto from water that is available or that may become available to it from the Sacramento River and its tributaries or the Sacramento-San Joaquin Delta those quantities required to satisfy the obligations of the United States under said exchange contract.

Id. at ¶ 79. This amounts to a direct suit against the United States on the theory that Reclamation violated Article 3(n) of Plaintiffs' contracts.⁶

a. Sovereign Immunity.

Before considering a claim as a basis for a finding of likelihood of success on the merits, the Court "must determine initially whether there is subject matter jurisdiction before it can proceed." *Friends of Panamint Valley v. Kempthorne*, 499 F. Supp. 2d 1165, 1176 (E.D. Cal. 2007). Federal Defendants, Grasslands, and San Luis argue that this Court does not have jurisdiction over Plaintiffs' contract claim because the United States has not waived its sovereign immunity. In the Complaint, Plaintiffs points to numerous sources of jurisdiction, but to only two that could even plausibly provide jurisdiction over the contract claim: the Little Tucker Act, 28 U.S.C. § 1346(a)(2); and the Reclamation Reform Act, 43 U.S.C. § 390uu. *See* Compl. at ¶¶ 38-39.

In pointing to these provisions as sources of waiver, it is possible that Plaintiffs are relying on *Westlands Water Dist. v. Firebaugh Canal*, 10 F.3d 667 (9th Cir. 1993) (*Westlands I*), which rejected the proposition that the Little Tucker Act could provide direct jurisdiction over a breach of contract claim against Reclamation seeking injunctive relief, but held that in light of language in the Reclamation Reform Act, the Administrative Procedure Act ("APA") did provide a waiver of sovereign immunity for

⁶ To the extent Plaintiffs seek to enforce the terms of contracts to which they are not party, Plaintiffs have failed to allege they are intended beneficiaries of those contracts. *See Klamath Water Users Protective Ass'n v. Patterson*, 204 F. 3d 1206, 1211 (9th Cir. 1999) ("Parties that benefit from a government contract are generally assumed to be incidental beneficiaries, and may not enforce the contract absent a clear intent to the contrary.").

A waiver of sovereign immunity must be unequivocally expressed in statutory text. *United States v. Idaho*, 508 U.S. 1, [6-7] (1993). Generally, contract claims seeking money damages can be brought against the United States, since the Tucker Act waives sovereign immunity on such claims. 28 U.S.C. §§ 1346(a)(2) [], 1491(a)(1) []. However, the Tucker Act generally does not authorize injunctive or declaratory relief, as is requested here.[FN] *North Side Lumber Co. v. Block*, 753 F.2d 1482, 1485 (9th Cir. [1985]) []. Conversely, the APA generally waives sovereign immunity from nonmonetary claims against federal agencies. The APA authorizes a court to either compel or set aside agency action (i.e. to award equitable relief) but does not authorize money damages. 5 U.S.C. § 706.

[FN - The Tucker Act does provide for nonmonetary relief by the Court of Claims in certain circumstances not present here. 28 U.S.C. §§ 1491(a)(2)–(3).]

The Bureau contends that a contract claim seeking equitable relief is still subject to the sovereign immunity defense. In *Block*, we held that a suit against the Government seeking equitable relief was partially barred. There, plaintiffs had sought equitable relief from certain timber cutting contracts with the United States. Plaintiffs asserted that performance of the contracts would violate a federal timber statute, and that performance was subject to certain common-law defenses such as impossibility of performance. We held that the claim based on an alleged statutory violation could proceed, but that the common-law claims founded purely on a contract could be brought under neither the Tucker Act nor the APA. *Block*, 753 F.2d at 1484–86.

In the absence of any other relevant statute, we might hold that sovereign immunity bars appellants’ contract claims. However, § 221 of the Reclamation Reform Act of 1982 provides:

Consent is given to join the United States as a necessary party defendant in any suit to adjudicate, confirm, validate, or decree the contractual rights of a contracting entity and the United States regarding any contract executed pursuant to Federal reclamation law. The United States, when a party to any suit, shall be deemed to have waived any right to plead that it is not amenable thereto by reason of its sovereignty, and shall be subject to judgments, orders, and decrees of the court having jurisdiction, and may obtain review thereof, in the same manner and to the same extent as a private individual under like circumstances.

43 U.S.C. § 390uu. We conclude that this statutory provision waives sovereign immunity in this case, where appellants are seeking injunctive and declaratory relief under the *Westlands* and *San Benito* contracts. Accord *Sumner Peck Ranch, Inc. v. Bureau of Reclamation*, 823 F. Supp. 715, 748 (E.D. Cal. 1993) (holding that § 390 uu waives sovereign immunity from contract claims for injunctive relief and specific

performance).

Id. at 673-74 (footnote in original).

The analysis in *Westlands I* regarding the Little Tucker Act controls here. The Little Tucker Act gives district courts concurrent jurisdiction over claims against the United States based upon express or implied contracts seeking money damages not exceeding \$10,000. 28 U.S.C. § 1346(a) (2). But, as to all other contract claims, 28 U.S.C. § 1491 gives the Court of Federal Claims exclusive jurisdiction to award money damages and “impliedly forbids declaratory and injunctive relief, [which likewise] precludes a § 702 waiver of sovereign immunity” for such claims. *Tucson Airport Auth. v. Gen. Dynamics Corp.*, 136 F.3d 641, 646 (9th Cir. 1998).⁷ The Ninth Circuit has likewise extended this holding to the Little Tucker Act. *See N. Star Alaska v. United States*, 9 F.3d 1430, 1432 (9th Cir. 1993); *see also Ministerio Roca Solida v. U.S. Dep’t of Fish & Wildlife*, 288 F.R.D. 500, 505 (D. Nev. 2013) (finding claims for declaratory and injunctive relief premised upon the Little Tucker Act are impliedly prohibited); *see also Gengler v. U.S. ex rel. its Dep’t of Def. & Navy*, 453 F. Supp. 2d 1217, 1228 (E.D. Cal. 2006). This Court cannot exercise jurisdiction under the Little Tucker Act over Plaintiffs’ contract claim for declaratory and injunctive relief.

Westlands I also contains language that might, at first glance, support Plaintiffs’ suggestion that the Reclamation Reform Act, 43 U.S.C. § 390uu, provides a waiver of sovereign immunity. However, a subsequent Supreme Court decision, *Orff v. United States*, 545 U.S. 596 (2005), demonstrates that *Westlands I*’s holding concerning the Reclamation Reform Act is no longer valid. *Orff* clearly held that 42 U.S.C. § 390uu does not waive the United States’ sovereign immunity to be “sued alone” in a contract dispute:

Section 390uu grants consent “to join the United States as a necessary party defendant in any suit to adjudicate” certain rights under a federal reclamation contract. (Emphasis added.) This language is best interpreted to grant consent to join the United States in an action between other

⁷ 28 U.S.C. § 1491(a)(2) provides that the Court of Federal Claims may, “incident of and collateral to any [] judgment [for contract damages], issue orders directing restoration to office or position, placement in appropriate duty or retirement status, and correction of applicable records.” Plaintiffs’ prayers in this case do not appear to implicate any of these powers.

parties—for example, two water districts, or a water district and its members—when the action requires construction of a reclamation contract and joinder of the United States is necessary. It does not permit a plaintiff to sue the United States alone.

Id. at 602; *see also Frenchman Cambridge Irr. Dist. v. Heineman*, 974 F. Supp. 2d 1264, 1281 (D. Neb. 2013) (district court jurisdiction under 43 U.S.C. § 390uu “foreclosed by the Supreme Court’s holding that the statute waives immunity only in actions in which the United States is joined as a party, and not in direct actions against the United States”). This is precisely what Plaintiffs attempt to do here with their First Claim for Relief -- sue the United States directly for breach of contract. The Court lacks jurisdiction to adjudicate such a claim, so the claim cannot form the basis of a finding of likelihood of success on the merits.

2. Second Claim for Relief - Violation of CVPIA/Res Judicata.

Plaintiffs’ Second Claim for Relief alleges a “violation of the CVPIA/Res Judicata.” Compl. at 25.

a. Applicable Standard of Review.

The only possible source of jurisdiction for Plaintiffs’ CVPIA claim is the Administrative Procedure Act (“APA”), 5 U.S.C. § 701 *et seq.*⁸ pursuant to which “[a] person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof.” 5 U.S.C. § 701. Under the APA, a court applies a deferential arbitrary and capricious standard of review. *Nat’l Wildlife Fed’n v. NMFS*, 524 F.3d 917 (9th Cir. 2008). Under the APA, reviewing courts may reverse agency action only if it is found to be “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

[A] reviewing court [] “must consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment.” *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401

⁸ The CVPIA does not provide for a private right of action. Therefore, claims alleging that a federal agency acted contrary to the CVPIA provisions must be brought under and are governed by the APA. *See San Luis & Delta-Mendota Water Auth. v. United States*, 672 F.3d 676, 699 (9th Cir. 2012) (applying APA to claim based upon the CVPIA).

U.S. 402, 416 (1971), abrogated in part on other grounds as recognized in *Califano v. Sanders*, 430 U.S. 99, 105 (1977). Although our inquiry must be thorough, the standard of review is highly deferential; the agency's decision is "entitled to a presumption of regularity," and we may not substitute our judgment for that of the agency. *Id.* at 415-16.

San Luis & Delta-Mendota Water Auth. v. Jewell, 747 F.3d 581, 601 (9th Cir. 2014).

b. CVPIA.

As to the asserted CVPIA violation, Plaintiffs acknowledge that the CVPIA directs the Reclamation to enter into contracts to serve wildlife refuges, but assert that the refuges may receive water only out of CVP "project yield." Compl. at ¶ 85. CVP "project yield" is defined as follows:

For the purpose of this section, the term "Central Valley Project yield" means the delivery capability of the Central Valley Project during the 1928-1934 drought period after fishery, water quality, and other flow and operational requirements imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing at the time of enactment of this title have been met.

CVPIA § 3406(b)(2). Plaintiffs appear to assert that, in light of this definition, Reclamation cannot deliver water to the wildlife refuges until the Exchange Contractors' rights are satisfied. *See* Compl. at ¶¶ 85-86.

No matter how the definition of "project yield" is interpreted, Plaintiffs' claim fails because the section of the CVPIA that concerns provision of water to the wildlife refuges, CVPIA § 3406(d), nowhere indicates that the refuges may receive water only out of CVP project yield. The first paragraph of CVPIA § 3406(d) provides:

Central Valley Refuges and Wildlife Habitat Areas.--In support of the objectives of the Central Valley Habitat Joint Venture and in furtherance of the purposes of this title, the Secretary shall provide, either directly or through contractual agreements with other appropriate parties, firm water supplies of suitable quality to maintain and improve wetland habitat areas on units of the National Wildlife Refuge System in the Central Valley of California; on the Gray Lodge, Los Banos, Volta, North Grasslands, and Mendota state wildlife management areas; and on the Grasslands Resources Conservation District in the Central Valley of California.

The "firm" water supplies refer to Level 2 supplies as described in CVPIA § 3406(d)(1), which provides:

(1) Upon enactment of this title, the quantity and delivery schedules of water measured at the boundaries of each wetland habitat area described in this paragraph shall be in accordance with Level 2 of the “Dependable Water Supply Needs” table for those habitat areas as set forth in the Refuge Water Supply Report and two-thirds of the water supply needed for full habitat development for those habitat areas identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report prepared by the Bureau of Reclamation. Such water shall be provided through long-term contractual agreements with appropriate parties and shall be supplemented by the increment of water provided for in paragraph (1) of this subsection; Provided, That the Secretary shall be obligated to provide such water whether or not such long-term contractual agreements are in effect. In implementing this paragraph, the Secretary shall endeavor to diversify sources of supply in order to minimize possible adverse effects upon Central Valley Project contractors.

CVPIA § 3406(d)(1) (emphasis added). Although Reclamation is directed to enter into contractual agreements for the supply of this “firm” water to the refuges, Reclamation is obligated to provide this firm water whether or not such contracts are in effect.

CVPIA § 3406(d)(2) directs Reclamation to secure supplemental water for the refuges, also known as “Level 4” water:

Not later than ten years after enactment of this title, the quantity and delivery schedules of water measured at the boundaries of each wetland habitat area described in this paragraph shall be in accordance with Level 4 of the “Dependable Water Supply Needs” table for those habitat areas as set forth in the Refuge Water Supply Report and the full water supply needed for full habitat development for those habitat areas identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report prepared by the Bureau of Reclamation. The quantities of water required to supplement the quantities provided under paragraph (1) of this subsection shall be acquired by the Secretary in cooperation with the State of California and in consultation with the Central Valley Habitat Joint Venture and other interests in cumulating increments of not less than ten percent per annum through voluntary measures which include water conservation, conjunctive use, purchase, lease, donations, or similar activities, or a combination of such activities which do not require involuntary reallocations of project yield.

(Emphasis added.) It is only this supplemental “Level 4” water that must be acquired by Reclamation in a manner that does “not require involuntary reallocations of project yield.”

In the present case, only Level 2, not supplemental Level 4 water, is at issue. In fact, in times of shortage, CVPIA § 3406(d)(4) provides that Reclamation may temporarily reduce even Level 2

1 deliveries by up to 25%. Reclamation has invoked this provision (and, apparently, then some) this year
2 to reduce refuge Level 2 supplies to 65%. Plaintiffs' contention that deliveries this year are limited to
3 available water after the Exchange Contractors' needs are satisfied is wholly without merit.

4 **c. Res Judicata.**

5 Plaintiffs also reference the concept of *res judicata* in their Complaint, presumably in reference
6 to decisions in the *Westlands* cases. Compl. at 25 & ¶ 87. The Court has thoroughly examined the
7 extensive prior decisions issued by District Judge Oliver W. Wanger and the Ninth Circuit in those cases
8 and finds no merit to Plaintiffs' assertion of *res judicata*. Generally, the *Westlands* cases addressed
9 Westlands Water District's and San Benito Water District's allegations that they held a superior right to
10 water stored in San Luis Reservoir, that Reclamation acted unlawfully by allocating water from San Luis
11 Reservoir to the Exchange Contractors before first satisfying the needs of Westlands and San Benito,
12 and that Reclamation must apportion water equally among all recipients of water from San Luis
13 Reservoir, including the Exchange Contractors. *See Westlands I*, 10 F.3d at 670-73, 674-77; *Westlands*
14 *VI*, 153 F. Supp. 2d at 1138; *Westlands VII*, 337 F.3d at 1100-04. There can be no dispute that the
15 *Westlands* decisions did establish certain principles that are relevant to the present action, *e.g.*, that the
16 Exchange Contractors hold a priority right to CVP water. It is also true that the *Westlands* decisions
17 discussed Plaintiffs' contract rights, but only insofar as the terms of Plaintiffs' contracts served to
18 undermine Westlands' and San Benito's arguments that Millerton was a readily available source of
19 supply to satisfy the Exchange Contractors' demands. *Westlands III* held that the United States'
20 agreement in the Friant Contracts not to "voluntarily and knowingly determine itself unable to deliver to
21 the Exchange Contractors ... from water that is available or that may become available to it from the
22 Sacramento River and its tributaries or the Sacramento-San Joaquin Delta" undermined Westlands' and
23 San Benito's demands that Reclamation apportion water from San Luis Reservoir. *Westlands III*, 864 F.
24 Supp. at 1547-48. However, the *Westlands* decisions never broached the specific questions raised here
25 concerning Reclamation's obligations to deliver water to the wildlife refuges and how those obligations
26 might impact Reclamation's ability to deliver replacement water to the Exchange Contractors.

Accordingly, none of the *Westlands* decisions operate as *res judicata* in the present matter, as *res judicata* requires, among other things, complete identity of the issue or claim. *Parklane Hosiery Co., Inc. v. Shore*, 439 U.S. 322, 326 (1979) (*res judicata* serves “the dual purpose of protecting litigants from the burden of relitigating an identical issue with the same party or his privy and of promoting judicial economy by preventing needless litigation.”).

d. Legislative History.

The Court is likewise unconvinced by Plaintiffs’ citation to a statement made by Senator Wallop during a Congressional discussion prior to the enactment of the CVPIA, which was referenced by the district court in *Westlands Water Dist. v. Patterson*, 900 F. Supp. 1304 (1995) (“*Westlands IV*”):

A very significant change is how dry year shortages are dealt with. The House had suggested that the 800,000 acre-feet and the wildlife refuge water be subject to reduction only when shortages are imposed on prior right and exchange right holders. Aside from the implicit taking, since those rights are secured under State law and are superior to any CVP right, that provision would have never worked in practice.

During the current drought, prior right and exchange right holders agreed to forgo certain deliveries in order to permit the Secretary to make deliveries to the wildlife refuges and to urban users. No reductions were imposed on them since no reductions could be imposed so long as there was any water.

138 Cong. Rec. S17658, 17660 (Sept. 30, 1992) (statement of Sen. Wallop). In this statement, Senator Wallop opined why a prior draft of the CVPIA, which would have triggered the 25% reduction in refuge water supplies only after the Exchange Contractors received reductions, was better worded in the final version of the CVPIA, which triggers the 25% reduction based upon reductions imposed upon any agricultural deliveries of CVP water. In *Westlands VI*, the district court cited this statement to support the proposition that Congress acknowledged the superior rights of the Exchange Contractors. 900 F. Supp. at 1320. But this statement is not dispositive of any issue presently before this Court. No party disputes that the Exchange Contractors’ rights must be honored. The question here is whether the Level 2 refuge water may be supplied from sources that might otherwise be used to provide “replacement water” to the Exchange Contractors, which in turn has required the release of water from Millerton to

fulfill the Exchange Contractors' demands. The Court agrees with Grasslands' argument that the key fact here is that the version of the CVPIA that was ultimately adopted requires Reclamation to provide Level 2 refuge water as a "firm" supply, with no more than a 25% reduction in years when agricultural users receive an equal or greater reduction. Senator Wallop's comment does not address the question of whether Reclamation has discretion to supply the refuges with water from sources that might otherwise be used to supply replacement water to the Exchange Contractors.

3. Third Claim for Relief -- Violation of the 1902 Reclamation Act; Unlawful Relinquishment of Rights to Water to Benefit State Water Project.

Section 8 of the Reclamation Act of 1902, 43 U.S.C. § 383, "requires Reclamation to comply with state law in acquiring water rights for the diversion and storage of water by the CVP." *Westlands VII*, 337 F.3d at 1101. Plaintiffs' Third Claim for Relief alleges:

92. This year, the water delivered to San Luis Reservoir was "natural and abandoned flows" of the Delta. The Bureau of Reclamation holds the senior right to this water; the State's right to take water from the Delta are junior to the Bureau's rights. Despite its senior rights, the Bureau of Reclamation decided this year to relinquish its senior rights and to split Delta water in the San Luis Reservoir 50-50 with the State Water Project.

93. The Bureau of Reclamation has violated California Civil Code Section 1414, and therefore Section 8 of the 1902 Reclamation Act, by agreeing to split the Delta water in the San Luis Reservoir with the State Water Project. ***

Compl. at ¶¶ 92-93.

a. Failure to Join California Department of Water Resources.

The proposed TRO seeks to enjoin Reclamation from, among other things, "deviating from the prior appropriation doctrine by allocating water to junior appropriators, including the State Water Project [("SWP")] Contractors, and wildlife refuges, ahead of providing the substitute water supply to the Exchange Contractors." The SWP is operated by the DWR. Yet, DWR has not been joined as a necessary party defendant.

Federal Rule of Civil Procedure 19, which governs the circumstances under which persons must be joined as parties to a lawsuit, provides in relevant part:

(a) Persons Required to Be Joined if Feasible.

(1) Required Party. A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if:

(A) in that person's absence, the court cannot accord complete relief among existing parties; or

(B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may:

(i) as a practical matter impair or impede the person's ability to protect the interest; or

(ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.

* * *

(b) When Joinder Is Not Feasible.

If a person who is required to be joined if feasible cannot be joined, the court must determine whether, in equity and good conscience, the action should proceed among the existing parties or should be dismissed. The factors for the court to consider include:

(1) the extent to which a judgment rendered in the person's absence might prejudice that person or the existing parties;

(2) the extent to which any prejudice could be lessened or avoided by:

(A) protective provisions in the judgment;

(B) shaping the relief; or

(C) other measures;

(3) whether a judgment rendered in the person's absence would be adequate; and

(4) whether the plaintiff would have an adequate remedy if the action were dismissed for nonjoinder.

The district court in *Natural Res. Def. Council v. Kempthorne*, 539 F. Supp. 2d 1155 (E.D. Cal. 2008), succinctly summarized the relevant standard:

The “[a]pplication of Rule 19 involves three successive inquiries.” *Wilbur* [v. *Locke*], 423 F.3d [1101,] 1111 [(9th Cir.2005) abrogated on other grounds, *Levin v. Commerce Energy, Inc.*, 560 U.S. 413 (2010)]. “First, the court must determine whether a nonparty should be joined under Rule 19(a).” The term “necessary” is used to describe those persons to be joined if feasible. *Id.* at 1112. “The inquiry is a practical one and fact specific, and is designed to avoid the harsh results of rigid application.” *Shermoen v. United States*, 982 F.2d 1312, 1317 (9th Cir. 1992). “If an absentee is a necessary party under Rule 19(a), the second stage is for the court to determine whether it is feasible to order that the absentee be joined.” *Wilbur*, 423 F.3d at 1112. “Finally, if joinder is not feasible, the court must determine at the third stage whether the case can proceed without the absentee, or whether the absentee is an ‘indispensable party’ such that the action must be dismissed.” *Id.*; *Shermoen* 982 F.2d at 1317 (a court must determine whether the absent party is “indispensable” “so that in ‘equity and good conscience’ the suit should be dismissed.”).

Id. at 1182-83.

The first inquiry is whether DWR is a “necessary” party to this lawsuit. Rule 19(a)(1) provides two alternative pathways to a finding of necessity. Here, the most obviously relevant provision is rule Rule 19(a)(1)(B), which provides that a party may be necessary if it “claims an interest relating to the subject of the action and is so situated that disposing of the action in the person’s absence may: (i) as a practical matter impair or impede the [party’s] ability to protect that interest.” “Impairment may be minimized if the absent party is adequately represented in the suit.” *Makah Indian Tribe v. Verity*, 910 F.2d 555, 558 (9th Cir. 1990). There is no question that DWR has a legally protected interest in this suit. It is party to agreements with Reclamation that may be significantly impaired if injunctive relief is granted. *See NRDC*, 539 F. Supp. 2d at 1186 (“[I]f two parties enter into a contract, and a third party sues one of the contracting parties to enjoin that contracting party from performing under its contract, the presence of the other party to the contract is required in the lawsuit.”).

The question then becomes whether DWR is adequately represented so as to minimize any impairment of their legal interests. “In assessing an absent party’s necessity under [Rule] 19(a), the question whether that party is adequately represented parallels the question whether a party’s interests are so inadequately represented by existing parties as to permit intervention of right under [Rule] 24(a).” *Shermoen*, 982 F.2d at 1318. “The requirement of [Rule 24(a)] is satisfied if the applicant shows that

representation of his interest ‘may be’ inadequate; and the burden of making that showing should be treated as minimal.” *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n. 10 (1972). The Ninth Circuit uses the following three-step inquiry to determine if a non-party is adequately represented by existing parties:

A non-party is adequately represented by existing parties if: (1) the interests of the existing parties are such that they would undoubtedly make all of the non-party’s arguments; (2) the existing parties are capable of and willing to make such arguments; and (3) the non-party would offer no necessary element to the proceeding that existing parties would neglect.

Southwest Ctr. for Biological Diversity v. Babbitt, 150 F.3d 1152, 1153-54 (9th Cir. 1998).

Here, no existing party adequately represents the interests DWR. Federal Defendants represent the United States’ broad interests in operating the CVP, interests which are not always aligned with DWR’s interests in operating the SWP. *See, e.g., Natural Res. Def. Council v. Norton*, 2006 WL 39094 *9 (E.D. Cal. Jan. 5, 2006) (discussing intervention of DWR in a related case concerning the CVP and SWP). Nor can it reasonably be maintained that Grasslands represents DWR’s interests in securing a water supply for SWP contractors. DWR is therefore a necessary party.

Having found DWR a necessary party, the next question is whether DWR can be joined. The answer is unequivocally no. DWR, as an agency of the State of California, is protected by sovereign immunity. *See Puerto Rico Aqueduct and Sewer Auth. V Metcalf & Eddy, Inc.*, 506 U.S. 139, 144 (1993) (“Absent waiver, neither a State nor agencies acting under its control may be subject to suit in federal court.”) (internal citation and quotation omitted). Accordingly, neither agency can be sued in federal court unless: (1) Congress has expressly abrogated California’s Eleventh Amendment immunity in a relevant federal statute; or (2) California has unambiguously and unequivocally waived its Eleventh Amendment immunity. *See Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 99 (1984).

Finally, the Court must determine whether “in equity and good conscience,” the claims that might implicate DWR’s interests can proceed in the absence of DWR, or, alternatively, should be dismissed. Fed. R. Civ. P. 19(b). The Court must consider the following factors:

(1) the extent to which a judgment rendered in the person's absence might prejudice that person or the existing parties;

(2) the extent to which any prejudice could be lessened or avoided by:

(A) protective provisions in the judgment;

(B) shaping the relief; or

(C) other measures;

(3) whether a judgment rendered in the person's absence would be adequate; and

(4) whether the plaintiff would have an adequate remedy if the action were dismissed for nonjoinder.

Id. As to the first factor, there is no question that DWR would be prejudiced issuance of a judgment in favor of Plaintiffs on the claim that the Reclamation is acting unlawfully by delivering water to SWP contractors. As to the second factor, the Court cannot imagine a way to grant Plaintiffs the relief they request in any manner that would lessen or avoid that prejudice. The Court cannot definitively rule on the third factor, but, given the complex interactions between the CVP and SWP, the practical impact of any judgment concerning operation of integrated aspect of the Projects that did not bind DWR would, at best, be difficult to predict. Finally, the Court acknowledges that a finding of indispensability may leave Plaintiffs without a forum for resolution of their claims concerning delivery of water by Reclamation to SWP contractors. However, "[d]ismissal under Rule 19(b) will mean, in some instances, that plaintiffs will be left without a forum for definitive resolution of their claims. But that result is contemplated under the doctrine of foreign sovereign immunity." *Republic of Philippines v. Pimentel*, 553 U.S. 851, 872 (2008).

Accordingly, DWR is an indispensable party in connection with any of Plaintiffs' claims that allege Reclamation is unlawfully delivering water to SWP contractors. This is the focus of Plaintiffs' Third Claim for Relief, which therefore cannot form the basis of a finding of likelihood of success on the merits.

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b. Merits.

Even if there were no joinder defect, the Court has serious doubts as to the merit of this claim. First, the claim depends on the factual premise that “the Bureau of Reclamation decided this year to relinquish its senior rights and to split Delta water in the San Luis Reservoir 50-50 with the State Water Project.” According to the Declaration of Ronald Milligan, the Manager of Reclamation’s Central Valley Operations Office, Reclamation engages in no such “sharing” *See* Milligan Decl., Doc. 34-1, at ¶¶ 1, 12a, 14, 22, 24. As Federal Defendants’ concisely explain in their opposition brief, the SWP and CVP do coordinate operations:

The construction of State Water Project facilities in the Delta and in the San Joaquin Valley, virtually side-by-side with CVP facilities, presented enormous challenges to how the two projects would operate, both in appropriating natural flow when such flow is present in the Delta (often called “when excess conditions exist”) and with respect to each project’s export of water that has been released from storage. To resolve disputes over the water rights each project holds from the State, Reclamation and DWR negotiated a Coordinated Operating Agreement (“COA”) in 1986. The COA provides for coordinated operations in the Delta and a system for accounting for water exports by each project. This agreement was authorized and approved by Congress in 1986. PL 99–546, 1986 HR 3113. Congress again approved of the COA in the CVPIA, by authorizing and directing the Secretary to “fully comply with the United States’ obligations” set forth in the COA “in the implementation of the provisions of this title.” CVPIA § 8411(b).

Essentially, the purpose of the COA is to ensure that each Project retains its share of water and bears its share of the burden for Sacramento Valley in-basin uses, including legal users of water below upstream Project reservoirs, and flow-dependent regulatory requirements, like salinity control and minimum Delta outflow. The COA quantifies annual supplies available for both Projects and describes how the Projects will be operated in a coordinated manner. Because the Projects both use the Sacramento River for conveyance, accounting procedures are necessary to determine how the commingled water is operated, especially once the water enters the Delta. Without accounting, it would be difficult to determine whether the water in the Delta is stored water or, natural flow or abandoned water. COA accounting occurs on a daily basis and determines when exports are exporting natural flow or stored water. “Balanced water conditions” exist when storage releases, plus unregulated flow equal Sacramento in-basin uses, plus exports. COA, Art. 3(b). “Excess water conditions” are periods when it is agreed that releases from upstream reservoirs plus unregulated flow exceed Sacramento Valley in-basin uses, plus exports. COA, Art. 3(c). During balanced conditions, the projects share Sacramento in-basin use demands 75% CVP, and 25% State Water Project. COA, Art. 6(c).

Also during balanced conditions, the Project share available export water 55% CVP and 45% SWP. COA, Art. 6(d). During excess conditions, each party “has the responsibility to export and store as much water as possible within its physical and contractual limits.” COA, Art. 6(g). All of Reclamations actions pursuant to the Drought Operations Plan comply with the COA. Milligan Decl. at ¶ 22.

Moreover, water that is exported by either project south of the Delta may be stored in San Luis Reservoir near Los Banos, a joint use facility that is owned by the United States and jointly operated by the United States and the State of California. The use of Delta pumping capacity to export water south of the Delta is constantly changing and, depending on hydrologic conditions, the time of year, and biological considerations, may involve water released from storage which is protected under a project’s water right, or natural flow in the Delta when excess conditions exist.

Doc. 34 at 14. Plaintiffs do not allege that operations pursuant to the COA are unlawful and they fail to provide any evidence that Reclamation’s actions have departed from the COA’s terms. Plaintiffs offer no evidence (or even allegations beyond conclusory assertions) of a 50/50 sharing arrangement between the CVP and the SWP, so their Third Claim for Relief cannot support a finding of likelihood of success on the merits.

The Court acknowledges that Plaintiffs have submitted significant evidence of the irreparable harm they will face as a result of reduced water deliveries resulting from Reclamation’s actions. *See generally* Docs. 5-14. At the same time, Grasslands has submitted equally significant evidence of the harm to wildlife that would occur if deliveries to the wildlife refuges were curtailed. *See* Ortega Decl. The Court declines to discuss the parties’ competing presentations in detail because, without any likelihood of success on any claim advanced by Plaintiffs as a basis for their TRO, their motion must be denied, regardless of the harm they may face. Even under the Ninth Circuit’s sliding scale approach to injunctive relief, movant must still demonstrate at least “serious questions” going to the merits. *Alliance* 632 F.3d at 1131. “Serious questions” are those that are “substantial, difficult, and doubtful, as to make them a fair ground for litigation and thus for more deliberative investigation.” *Marcos*, 862 F.2d at 1362. Movants must demonstrate a “fair chance of success on the merits.” *Id.* Movants have failed to do so here.

//

V. CONCLUSION AND ORDER

For the reasons set forth above, Plaintiffs' motion for a temporary restraining order is DENIED. Contrary to the popular synopsis that this case is about overzealous government regulators prioritizing the needs of fish and wildlife over farmers and the economy, this decision is a direct result of the law as Congress has chosen to write it. It is the duty of the Court to uphold the law, regardless of the presence or absence of popularity.

SO ORDERED

Dated: May 27, 2014

/s/ Lawrence J. O'Neill
United States District Judge

From: Jason Peltier

Sent: Wednesday, May 28, 2014 2:34 PM

To: Denny Rehberg; Dennis Cardoza; Joe Findaro; Cathrine Karen; David Bernhardt

Subject: FW: Positioning

FYI

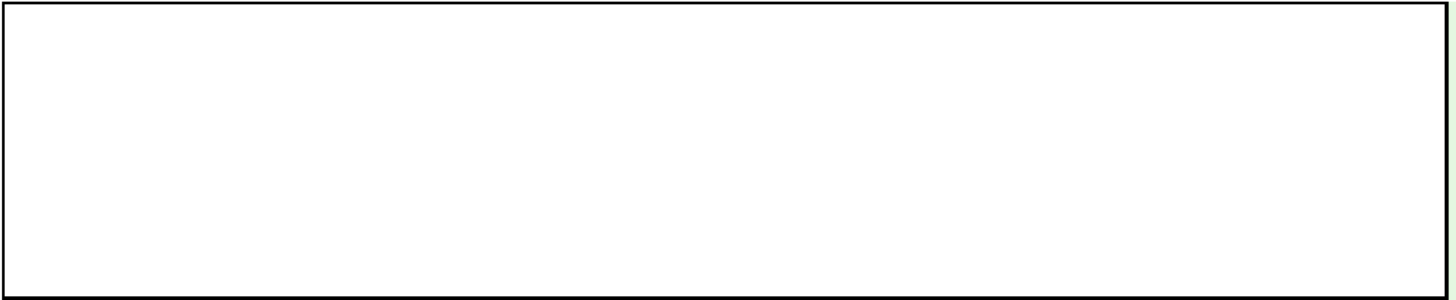
From: Families Protecting The Valley [mailto:john=familiesprotectingthevalley.com@mail166.atl101.mcdlv.net] **On**

Behalf Of Families Protecting The Valley

Sent: Wednesday, May 28, 2014 2:30 PM

To: jason

Subject: Positioning





:: IN THIS ISSUE

» [Lusvardi](#)

» [Groundwater](#)

Board of Directors

Denis Prosperi
Chester Andrew
Bob Smittcamp
Russ Waymire
John "Dusty" Giacone
Joe Marchini
Mark Watte
Kole Upton
Piedad Ayala
Tom Barcellos
Jim Walls

Positioning

It's almost comical watching the left bend over backwards to try to frame the debate prior to the conference committee on emergency drought legislation passed by both the House and Senate. Republicans are saying practically nothing except they're happy the Senate has finally passed their bill, regardless of what's in, or not in it. The Democrats, on the other hand, are almost gasping for air pretending to be aghast at Dianne Feinstein's bill. If you listen to them you would have to believe it actually does something.

Here are a few comments from the left:

Congressman George Miller: "We strongly caution our Senate colleagues from accepting any aspects of the destructive Valadao-Nunes bill, which does not provide any solutions to end water shortages, will irreparably damage the Bay-Delta..."

Congressman Mike Thompson: "I don't think there's a reason for a bill," Rep. Mike Thompson, D-Calif., said Wednesday, adding that a House and Senate conference will "make a bad bill worse."
"The truth is, she's won. There isn't any need to go forward with the legislation, which could be hijacked by some of our House colleagues and create bigger problems."

But, if you read what Senators Boxer and Feinstein actually have proposed, you see something entirely different.

Senator Barbara Boxer: "She (Boxer) says environmentalists got 'almost everything they wanted.' The greater danger, she says, is what happens when the measure faces a conference committee and House Republicans start adding riders.

Senator Dianne Feinstein: Feinstein says she hopes negotiations can "proceed quickly and bypass many of the controversial issues that have been raised in the past."
"We have to operate the system with more flexibility to be able to provide the water."

Senator Dianne Feinstein (prior to passage): "This is meant to be a modest bill...to be able to work something out that can pass both houses," Feinstein said Wednesday. "We need to have a vehicle."

So, environmentalists got almost 'everything' they wanted. It's a modest bill. It's about flexibility. The 'greater danger' is the conference committee.

This is all about positioning or framing the debate prior to the conference committee. The left would have us believe their proposal is the moderate one, the 'modest' proposal. The Republicans are the radical ones, those who would destroy the Delta ecosystem and river ecosystems everywhere. They want us to believe that there isn't any reason to give the Republicans anything in the conference committee. They're trying to stop any further compromise before it even starts. Let's be clear: the Feinstein proposal is 'modest', as a matter of fact so 'modest' it doesn't add anything new that isn't already being done.

The San Francisco Chronicle did their part in perpetrating the sham with their editorial "Oppose Sen. Dianne Feinstein's drought legislation" where they say (with a straight face) "The House's Valadao-Nunes bill, a particularly destructive piece of legislation, would give water for fish to Central Valley irrigators at cheap federally subsidized prices."

The left, as usual, lays it right on the table. They're telling us their strategy. Just read their own words. The right, Republicans, are saying very little. Do they have a strategy or will they be rolled again? Stay tuned.

One more thing: if the Feinstein bill is all we get, they win, we lose.

[view email in browser](#) | [Unsubscribe](#) jpeltier@westlandswater.org | [Update your profile](#) | [Forward to a friend](#)

You subscribed to this email to keep up to date about news about the environment and water situation of California's Central Valley. Provided by Families Protecting The Valley at <http://www.familiesprotectingthevalley.com>

Families Protecting The Valley
11409 Road 26 1/2
Madera, California 93637

[Add us to your address book](#)

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From: Weaver, Kiel
Sent: Tuesday, June 3, 2014 1:44 PM
To: 'tbirmingham@westlandswater.org'
Subject: Re: Telephone Conference

I just talked to bernhardt and plan to call him about 930 my time.

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Tuesday, June 03, 2014 04:41 PM
To: Weaver, Kiel
Subject: RE: Telephone Conference

Call at your convenience.

From: Weaver, Kiel [mailto:Kiel.Weaver@mail.house.gov]
Sent: Tuesday, June 03, 2014 1:18 PM
To: 'Tom Birmingham'
Cc: Amaral, Johnny
Subject: RE: Telephone Conference

Tom,

I've been crushed this entire day. Will try to call you once I get home tonight

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Tuesday, June 03, 2014 2:51 PM
To: Weaver, Kiel
Cc: Amaral, Johnny
Subject: Telephone Conference

Kiel,

I hope this finds you well. Is there any time you are available this afternoon for a call? If so, what number should I call? I am available any time except 2:00 – 3:00 p.m. PDT.

Tom

From: Tom Birmingham
Sent: Tuesday, June 3, 2014 1:47 PM
To: 'Weaver, Kiel'
CC: 'Bernhardt, David L.'
Subject: RE: Telephone Conference

Do you want to plug me into the same conversation? If yes, we can use Westlands conference line, (800) [REDACTED]-[REDACTED] pass code [REDACTED]

From: Weaver, Kiel [<mailto:Kiel.Weaver@mail.house.gov>]
Sent: Tuesday, June 03, 2014 1:44 PM
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Tom

From: Weaver, Kiel
Sent: Tuesday, June 3, 2014 1:50 PM
To: 'tbirmingham@westlandswater.org'
CC: 'DBernhardt@BHFS.com'
Subject: Re: Telephone Conference

Perfect. Will call into that number. Thanks.

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Tuesday, June 03, 2014 04:46 PM
To: Weaver, Kiel
Cc: 'Bernhardt, David L.' <DBernhardt@BHFS.com>
Subject: RE: Telephone Conference

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Tom

From: Tom Birmingham
Sent: Tuesday, June 3, 2014 1:55 PM
To: 'Weaver, Kiel'; 'Bernhardt, David L.'
Subject: FW: Telephone Conference

Excellent. I will open the conference line at 6:30 p.m. PDT (9:30 p.m. EDT). I look forward to speaking with you then.

From: Weaver, Kiel [<mailto:Kiel.Weaver@mail.house.gov>]
Sent: Tuesday, June 03, 2014 1:50 PM
To: 'tbirmingham@westlandswater.org'
Cc: 'DBernhardt@BHFS.com'
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Tom

From: Jason Peltier

Sent: Monday, June 9, 2014 9:35 AM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'Tony Coelho'; 'T Birmingham (tbirmingham@westlandswater.org)'; 'Dennis Cardoza'

Subject: Legislation: enviro push from Woodland paper

Feinstein water legislation will weaken Delta conservation efforts

By Harrison 'Hap' Dunning and Steve Machtinger

CREATED: 06/07/2014 06:02:20 PM PDT

California is in the midst of a severe drought in which all Californians suffer — farmers, municipal ratepayers, and fishing and tourism communities that depend on healthy fish populations and functioning ecosystems. This is the time when all of those who use California water — in other words, all of us — should come together to find durable solutions to our state's perennial water crises. So we were shocked and saddened when, at this moment of crisis and opportunity, Sen. Dianne Feinstein appeared to blame the conservation community for the state's failed water management practices.

The truth is that The Bay Institute and its allies have worked constructively with Feinstein and others on California water policy issues for decades. The list of such efforts is long and includes the Bay-Delta Accord, the CALFED Bay-Delta Program, Feinstein's water transfers legislation, Feinstein's 2010 water supply negotiations, and the Bay-Delta Conservation Plan.

The restoration program created by Feinstein's legislation has minimized water supply impacts to the Friant water districts and provided water supply benefits to other parts of the San Joaquin Valley. Using available numbers, The Bay Institute has calculated that:

- Out of the 700,000 acre-feet of additional water released from Friant Dam for restoration purposes, approximately 600,000 acre-feet soaked into groundwater aquifers, was returned to Friant water districts, or was sold by those districts to farmers on the west side of the San Joaquin Valley;
- Furthermore, much of the Restoration Program's funding has been dedicated to projects that improve water supply — such as increasing the capacity of the Friant-Kern and Madera canals and expanding water banks — and flood and seepage management in the San Joaquin Valley.
- The Restoration Program's multiple benefits are under attack in the House of Representatives even though the Restoration Program has not had any negative affect on water supply this year; the Restoration Program will be damaged if elements of the House bill are retained in a final compromise with Feinstein's drought legislation, which recently passed in the Senate.

Feinstein's own legislation weakens existing protections for imperiled salmon and steelhead migrating through the Delta as long as the drought proclamation remains in effect.

California must find solutions for the real problems with the state's water supply, including lack of groundwater regulation in overdrafted parts of the San Joaquin Valley; failure to invest sufficiently in water recycling infrastructure and conservation; and replacement of row crop farming with tree crops that harden demand for water. Periodic droughts are part of California's climate, and they may become more frequent under climate change. Feinstein appears to blame the conservation community for not solving this problem because we will not agree to short-term fixes that result in species extinctions, continued degradation of the West Coast's largest estuary, and the demise of related fishing and tourism businesses.

We urge Feinstein to preserve the legacy of her commitment to balancing agricultural water supply needs with protection of the environment.

Harrison Dunning is a member of The Bay Institute and professor of law emeritus of the UC Davis School of Law. Steve Machtinger is the chairman of the board of The Bay Institute and an attorney in San Francisco.

From: Jason Peltier

Sent: Tuesday, June 10, 2014 7:03 AM

To: Dennis Cardoza; Joe Findaro; David Bernhardt

Subject: Dan Walters: Democrats' congressional seats at risk in California - Dan Walters - The Sacramento Bee

<http://www.sacbee.com/2014/06/10/6470831/dan-walters-democrats-congressional.html>

From: Jason Peltier

Sent: Tuesday, June 10, 2014 9:21 AM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'Tony Coelho'; 'T Birmingham (tbirmingham@westlandswater. org)'; 'Dennis Cardoza'

Subject: FW: 50 slide PPT for your files

Attachments: PPT PISMO FSLI Peltier.pdf

From: Jason Peltier [mailto:jpeltier@westlandswater.org]

Sent: Monday, June 09, 2014 5:07 PM

To: Ara.azhderian@sldmwa.org; Gayle Holman; 'James Watson'; Sue Ramos; Philip Williams; Sheila Greene; Greg Zlotnick; Jon Rubin; "Terry Erlewine; B Walthall (bwalthall@kcwa. com); Joan Maher (JMaher@valleywater. org); Cindy Kao; bbuck@sfcwa.org; Steve Arakaw

Subject: 50 slide PPT for your files

I am speaking to the Food Systems Leadership Institute later this month. It is a group of some 25 Agricultural Deans from around the country in a leadership program to help them further their careers.

They give me almost two hours and I weave in a bunch of angles about scientific uncertainty, public policy decision making [or not], the people on the end of every decision, mythology, science/policy nexus etc.

Anyway here is my powerpoint. PDF attached and PPT via this link, in case you would like to take some of these for other uses.

Files attached to this message

Filename	Size
Presentation3.pptx	71 MB

Please click on the following link to download the attachments:

<https://filetransfer.westlandswater.org/message/TcxjHQmTutb5L33L5CQC7f>

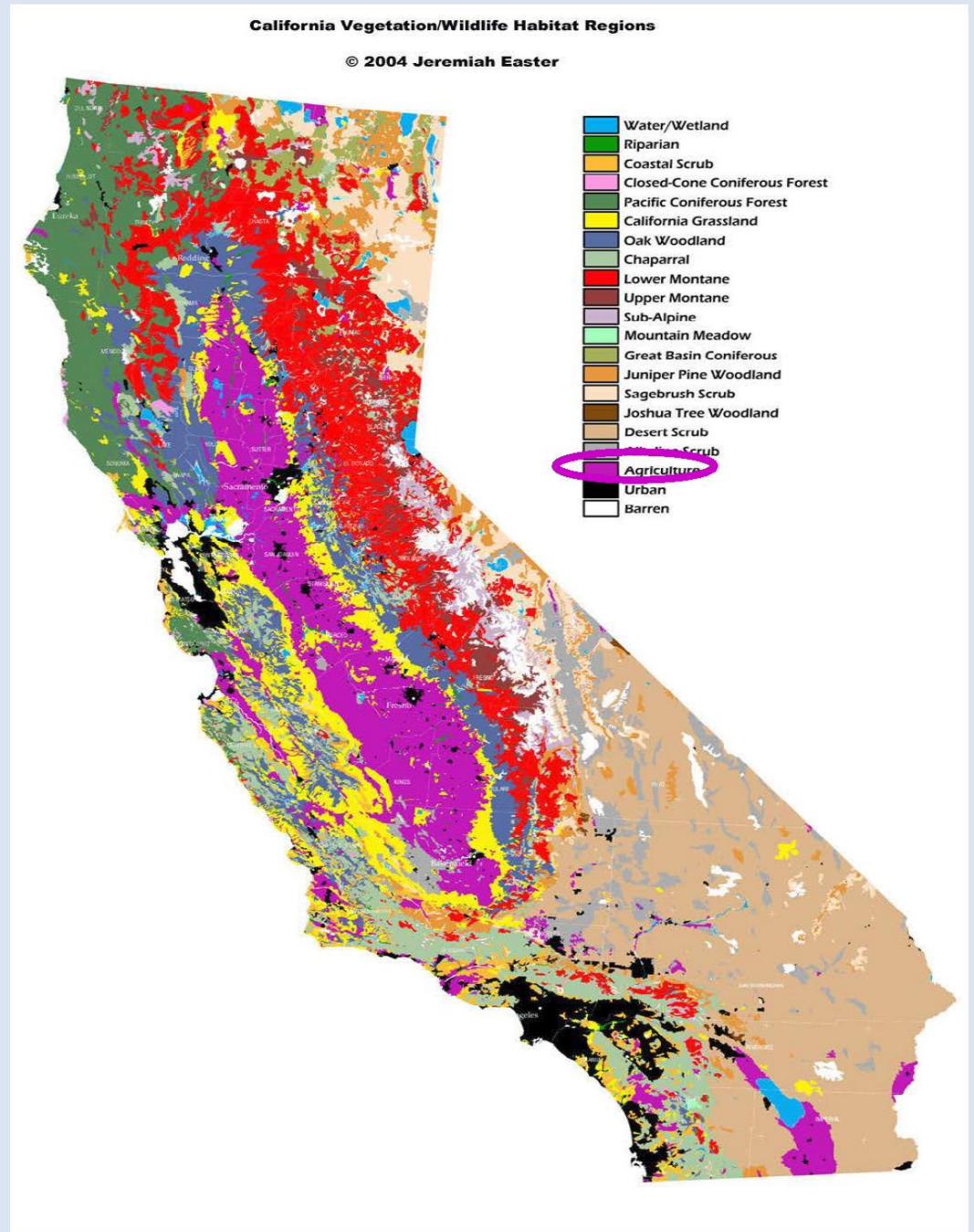
The attachments are available until: **Friday, 4 July.**

Message ID: TcxjHQm

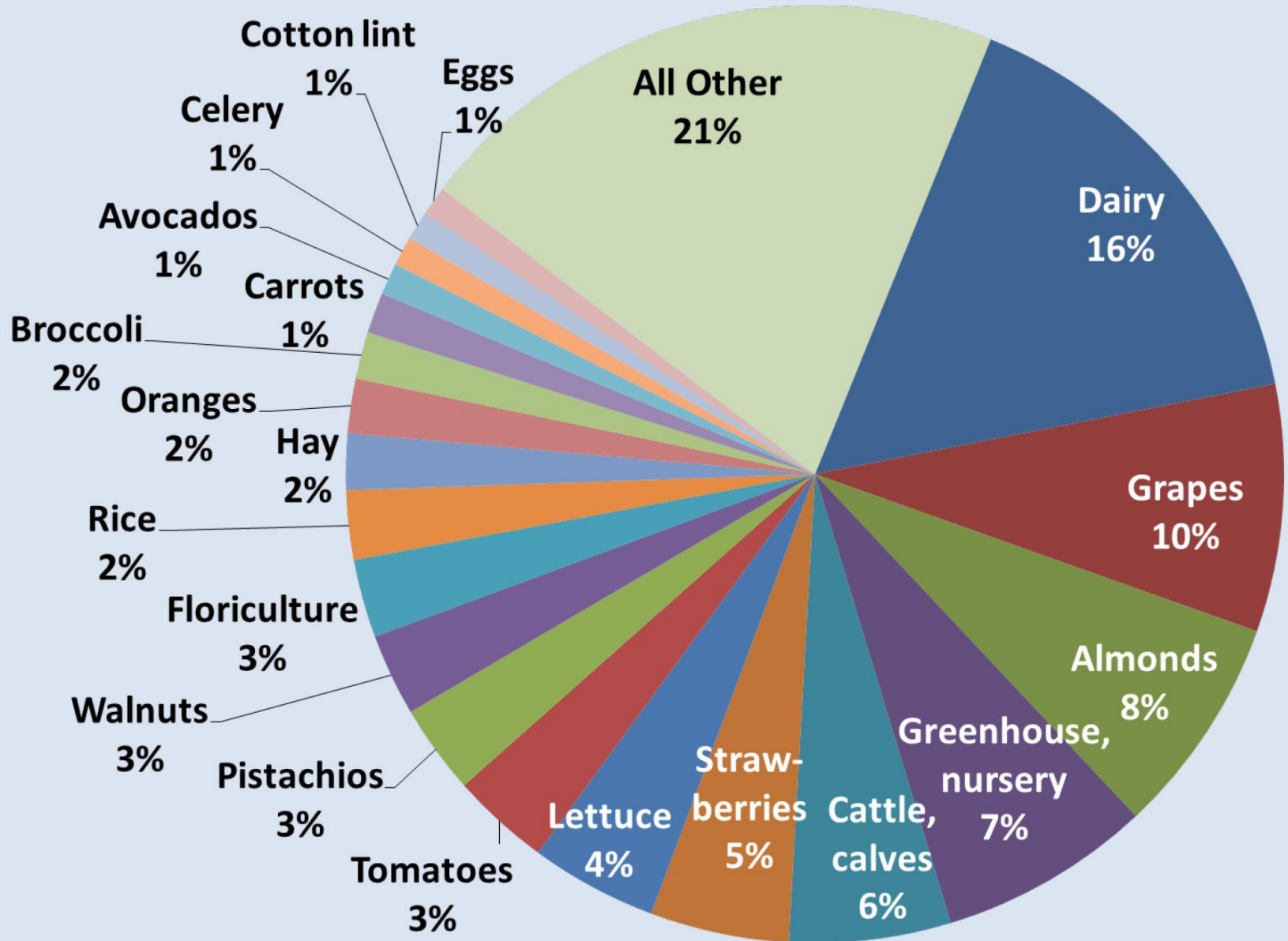


California has a variety of climate and land use zones

- Natural diversity allows diverse agriculture to thrive
- A relatively small share of the total land mass is suitable for high-productivity irrigated crops



Top 20 California Commodities by Value, 2010

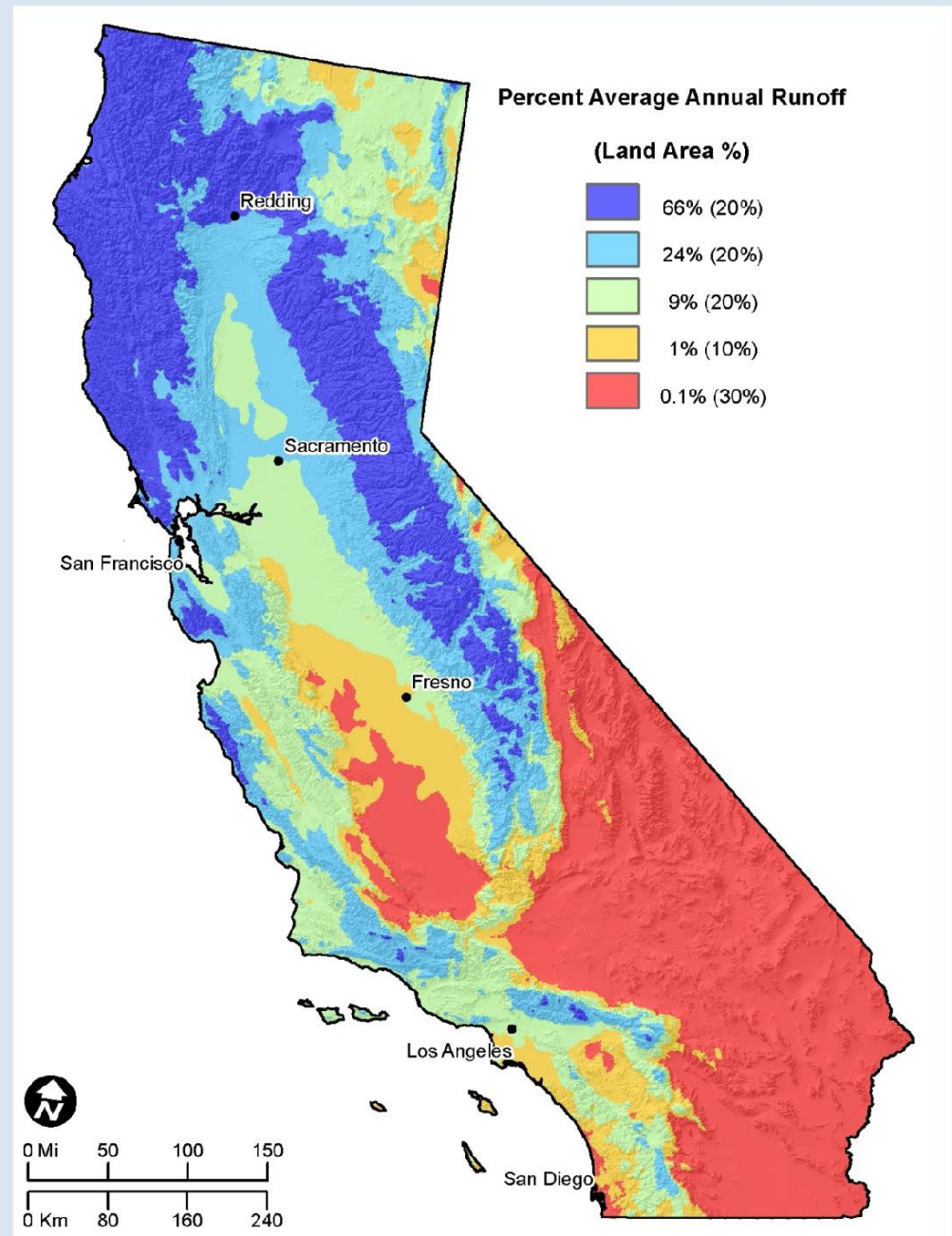


The top 20 commodities accounted for \$30 billion of \$37.5 billion in total

California precipitation map

California's water system is characterized by an asynchrony of water availability and demand in space and time:

- Availability peaks in winter in the sparsely populated north
- Demand peaks in summer



Major Water Projects

💧 Federal – Central Valley Project (CVP)

💧 State – State Water Project (SWP)

💧 Local – Many smaller projects throughout state



California Water Development



Hetch-Hetchy System
San Francisco PUC
1913 - Raker Act

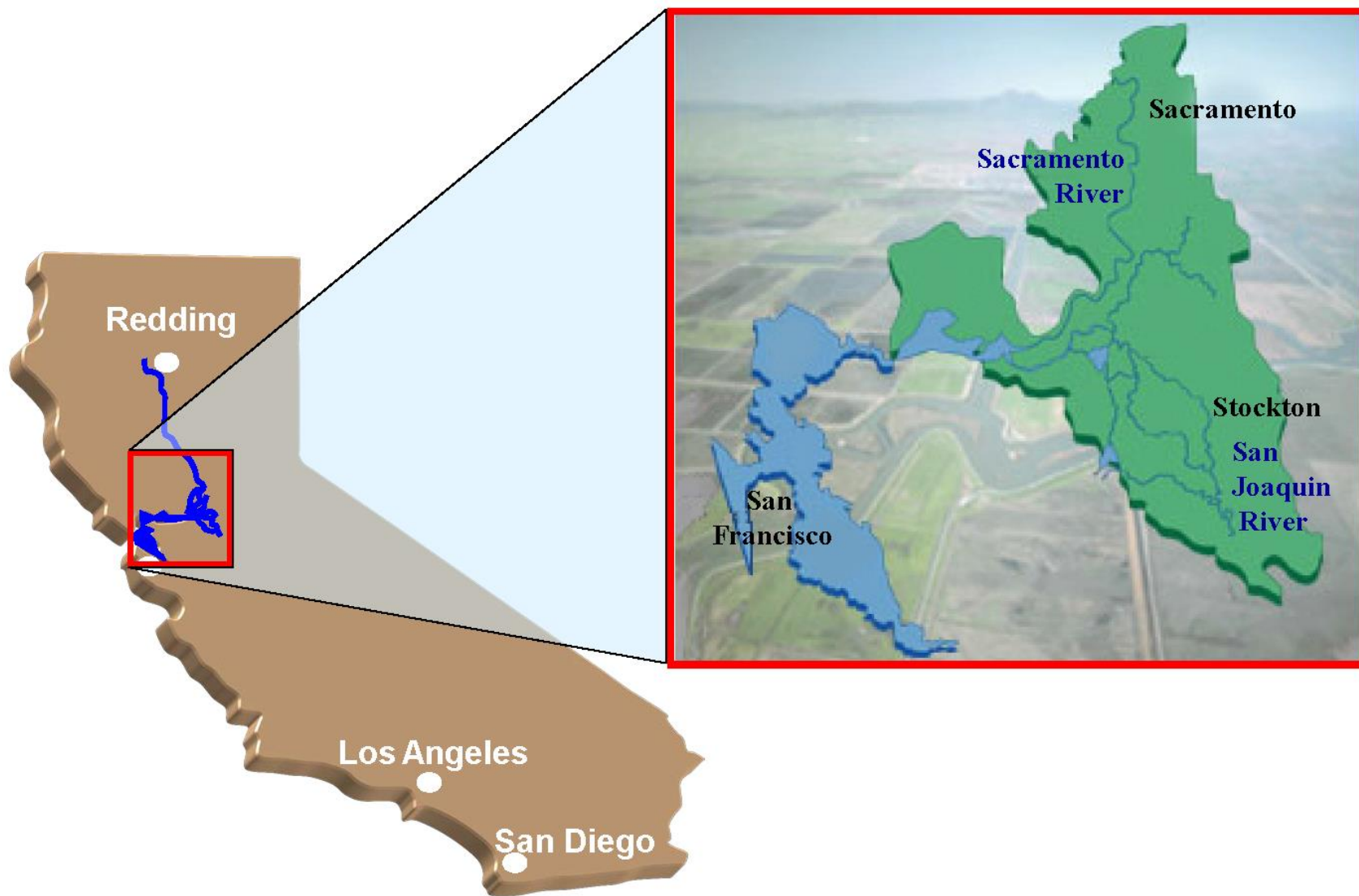
Los Angeles Aqueduct
Los Angeles DWP
1913

Mokelumne River Aqueduct
East Bay MUD
1929

Central Valley project
U.S. Bureau of Reclamation
1940 (C.C. Canal first)

Colorado River Aqueduct
MWD of So. Cal.
1941

State Water Project
California DWR
1960 - Burns Porter Act



The Bay-Delta

Hub of California's Water



A map of California is overlaid on a background image of the San Francisco Bay-Delta. The map highlights three main regions with blue circles and ovals: the Bay Area in the north, the Central Valley in the middle, and Southern California in the south. Green lines represent the State and Federal Water Projects, and red lines represent the Los Angeles and Colorado River Aqueducts. The background image shows a wide expanse of water with islands and mountains in the distance.

Bay Area – 33%

**Some regions up to
100% dependent**

Central Valley – 23 to 90%

**State and
Federal Water
Project s**

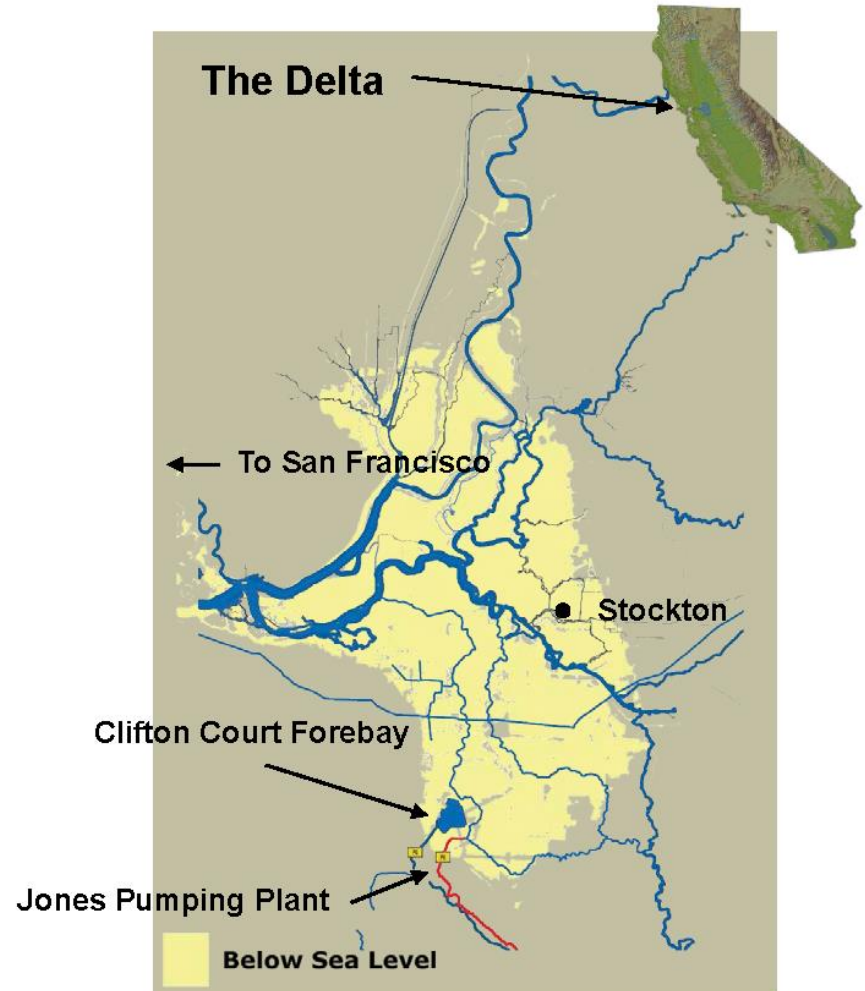
**Los Angeles
Aqueduct**

**Colorado River
Aqueduct**

Southern Cal – 30%

Why is the Delta so important?

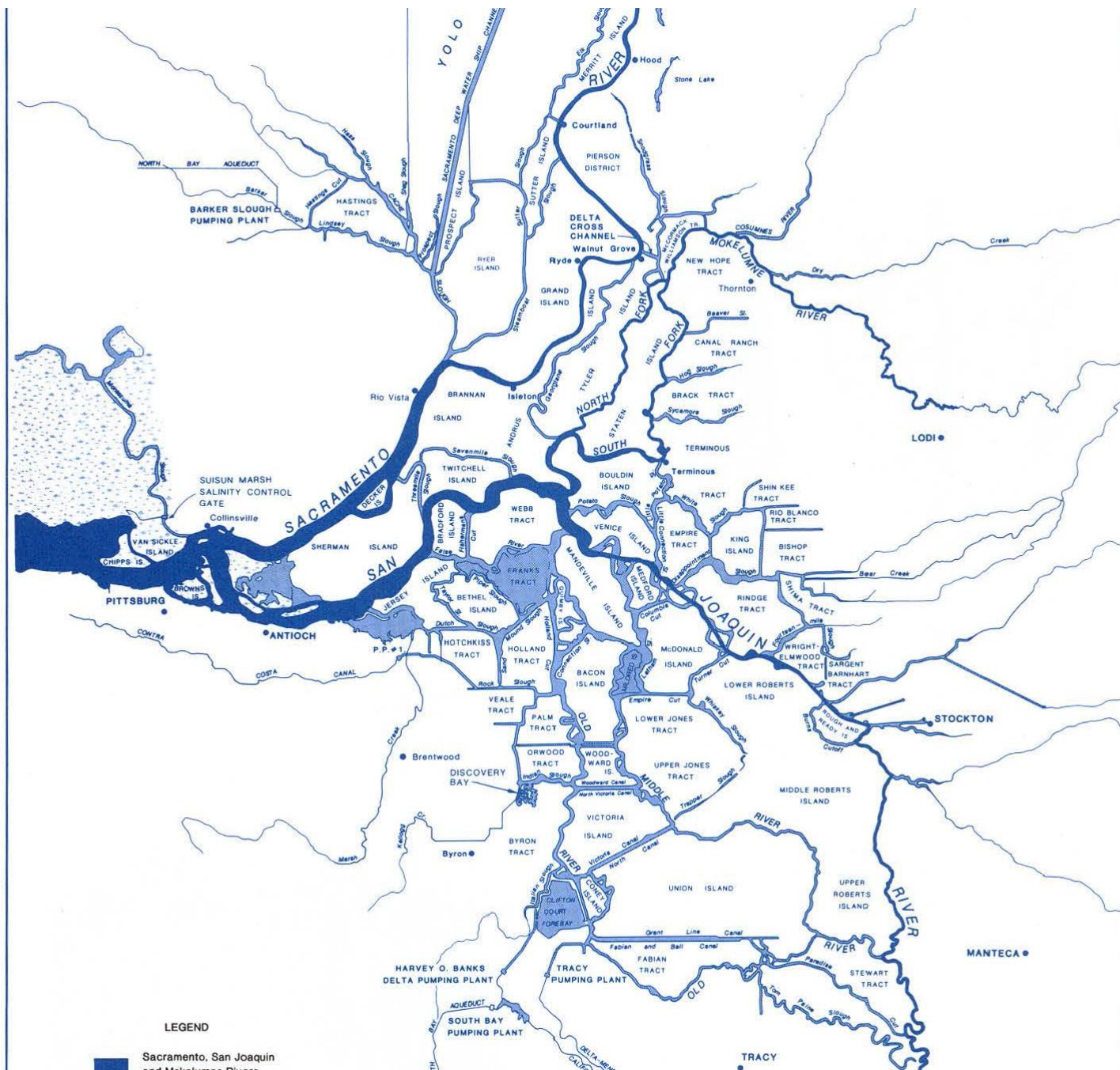
- Fresh water from the Delta supports:
 - 25 million Californians
 - 3 million acres of Agriculture
- \$400 billion of the State's economy annually
- Any loss impacts our economy and environment.



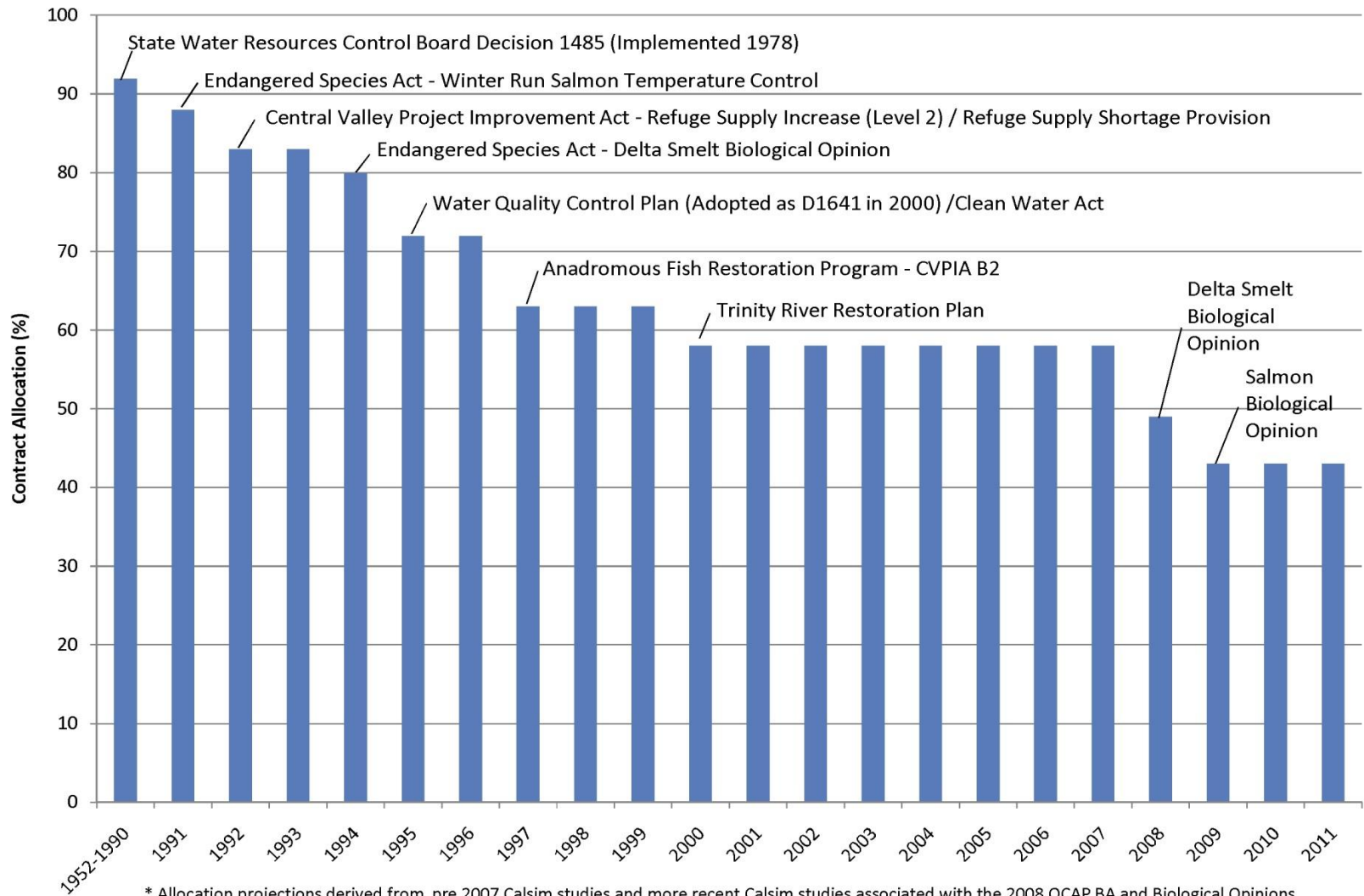






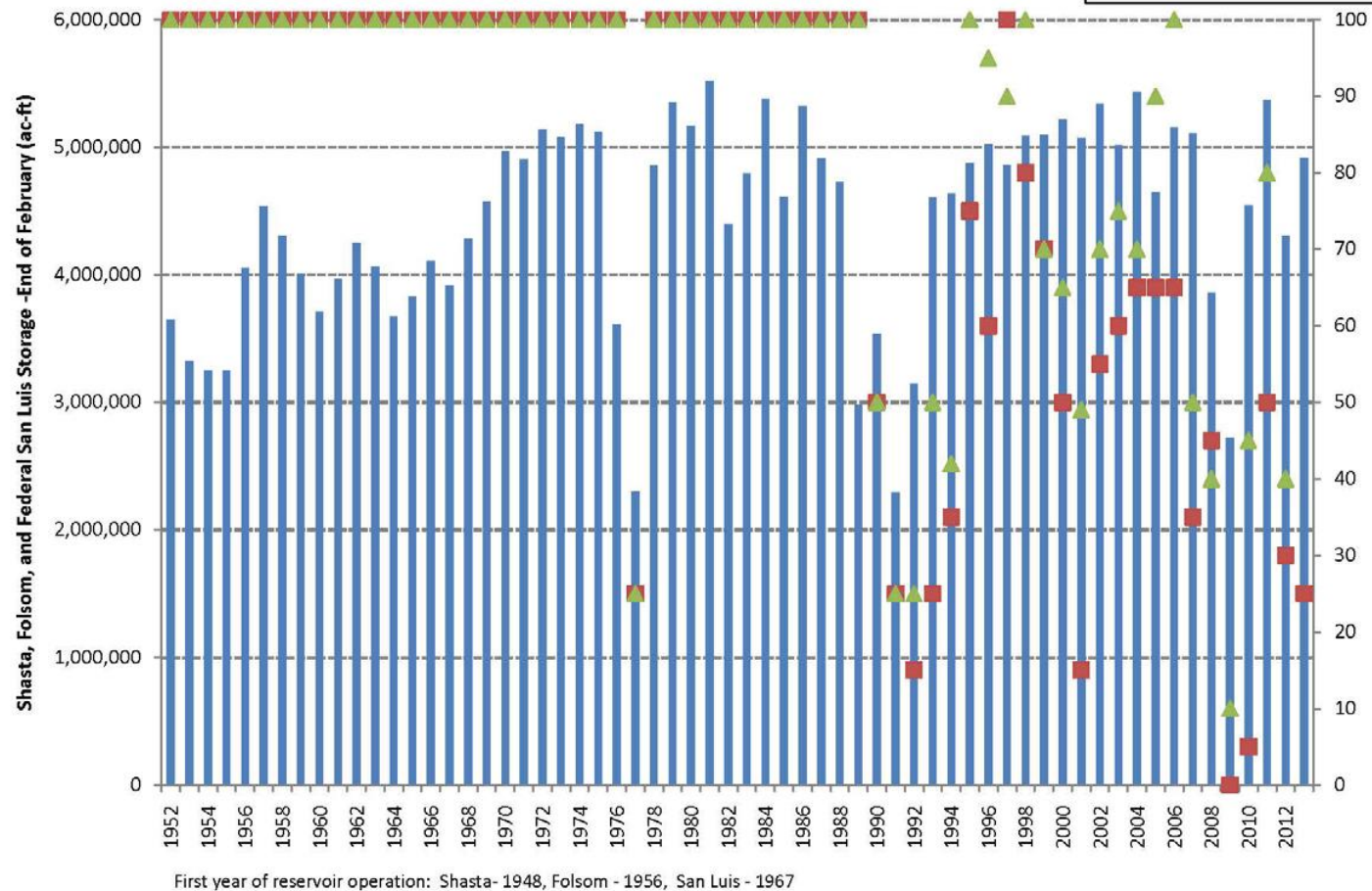


Long Term Average, CVP S. of Delta Ag Service Contract Allocation



* Allocation projections derived from pre 2007 Calsim studies and more recent Calsim studies associated with the 2008 OCAP BA and Biological Opinions

CVP Storage vs Ag Service Allocation (1952-2013)



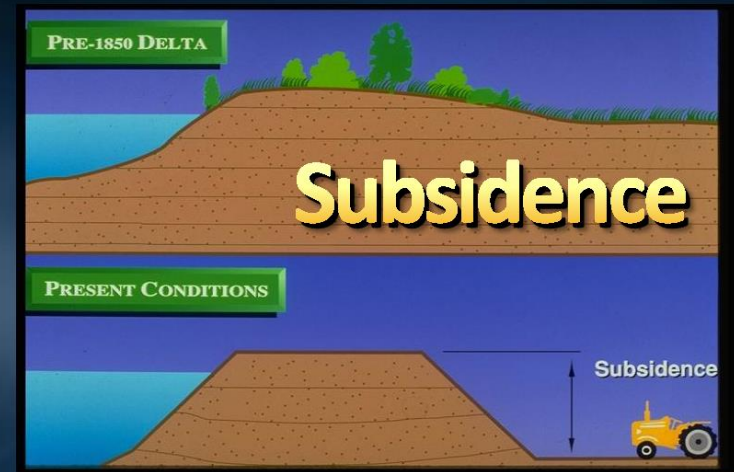
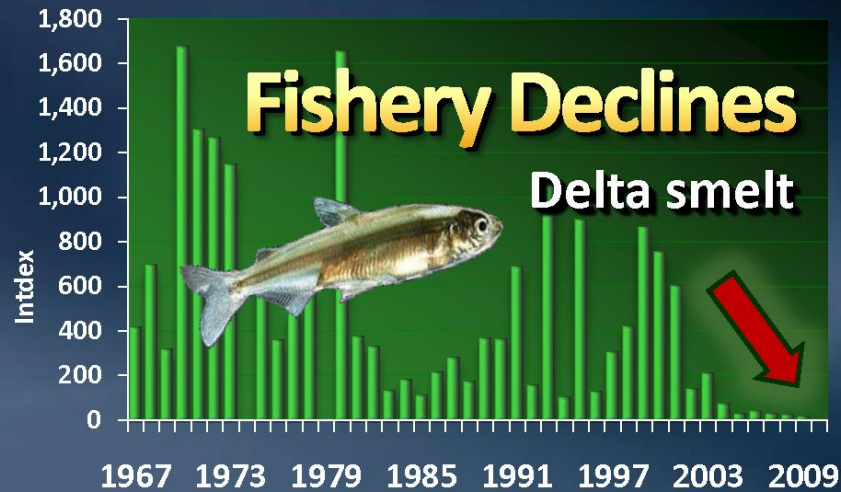








Key Delta Risks



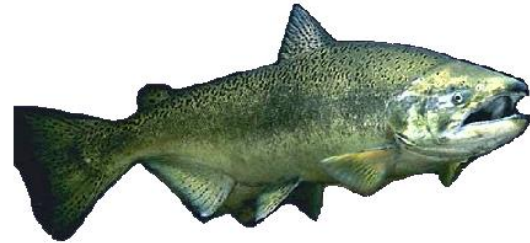
Endangered Species Act

and other Species of Concern



Delta smelt

1993 – Threatened (CESA/FESA)



Chinook Salmon

1989 – Winter-Run: Endangered (CESA)

1990 – Winter-Run: Endangered (FESA)

1999 – Spring-Run: Threatened (CESA/FESA)



Steelhead

1998 – Threatened (FESA)

No CESA listing



Longfin smelt

2007 – Petition under consideration
(FESA & CESA)



Sacramento Splittail

1999 – Threatened (FESA)

2003 – FESA listing removed

No CESA listing

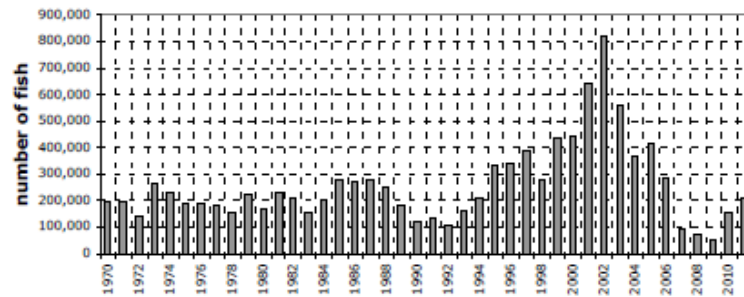


Green Sturgeon

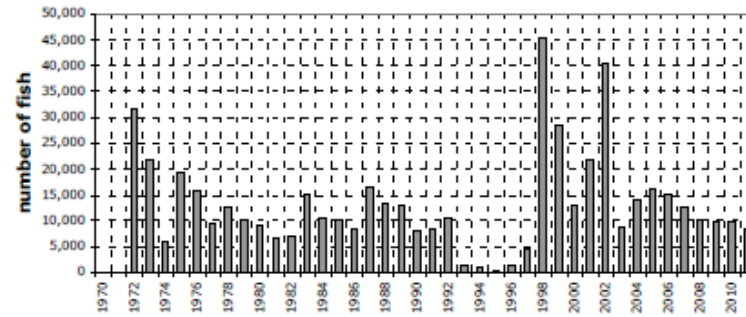
2006 – Threatened (FESA)

No CESA listing

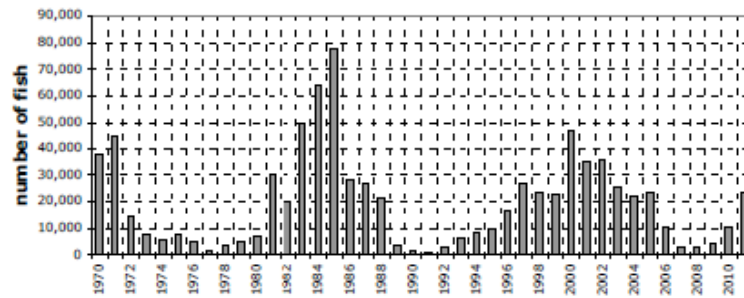
Sacramento River Fall Run Salmon Total Escapement



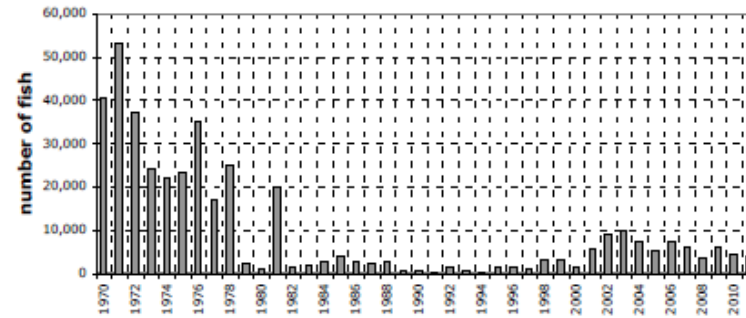
Late Fall Run Salmon Escapement



San Joaquin River Fall Run Salmon Total Escapement

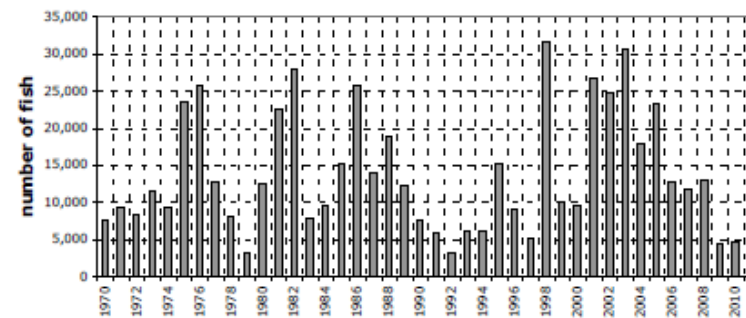


Winter Run Salmon Escapement

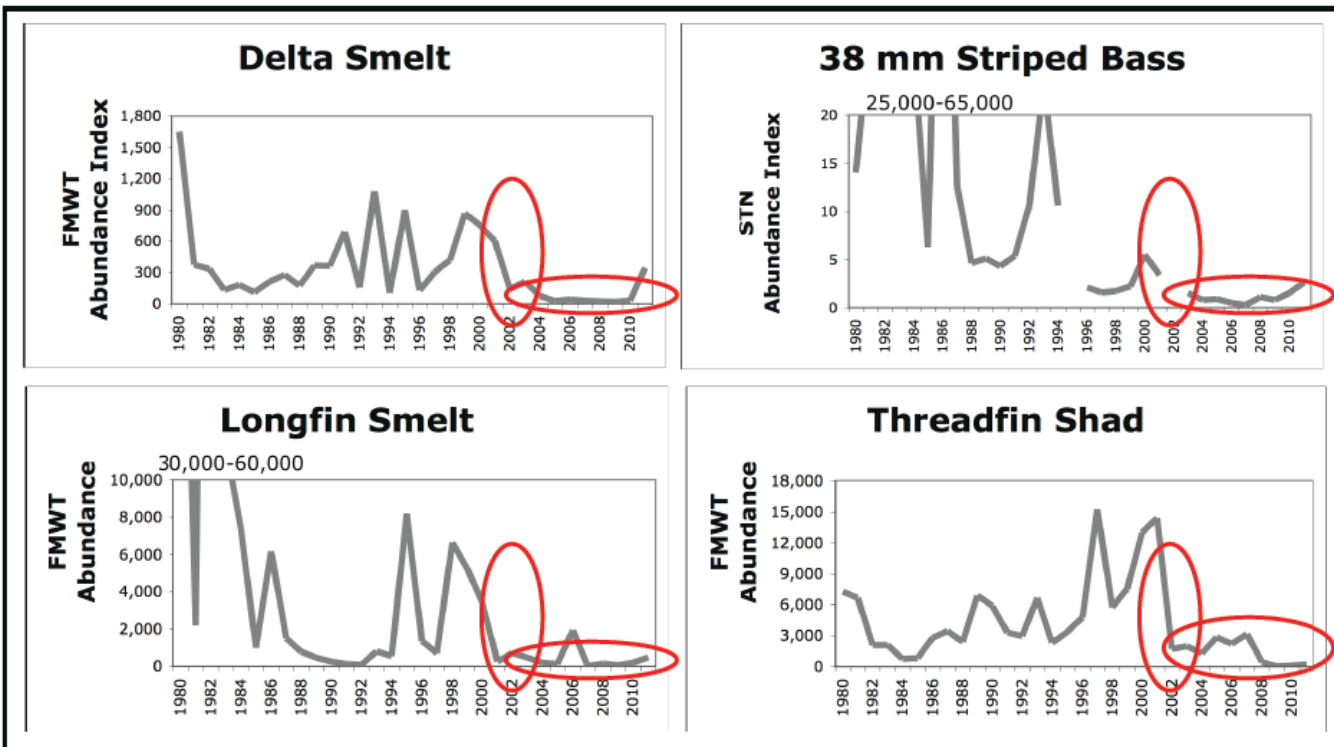


Number of Spawning Salmon
Winter Run and Spring Run are listed under
the ESA

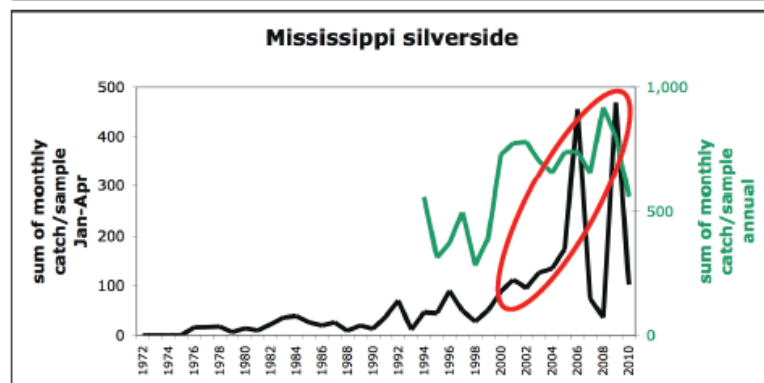
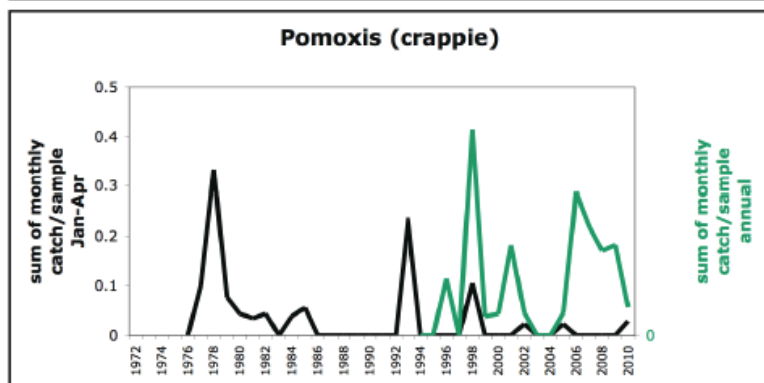
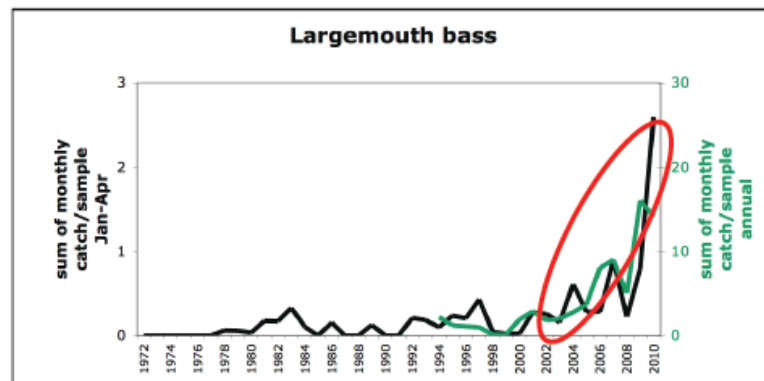
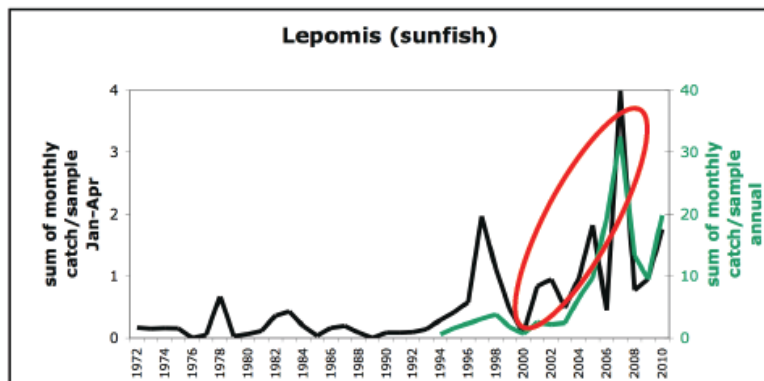
Spring Run Salmon Escapement



The Pelagic Organism (Fish) Decline



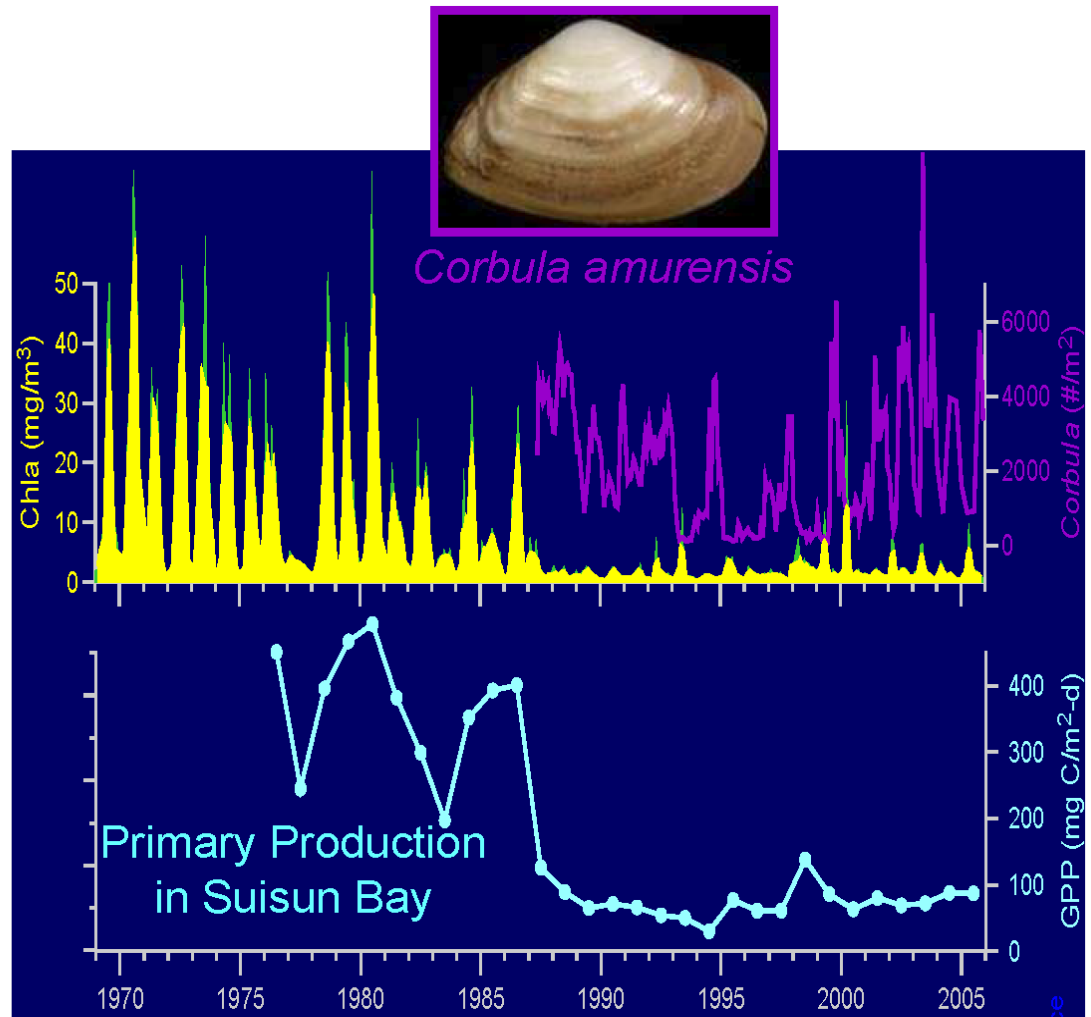
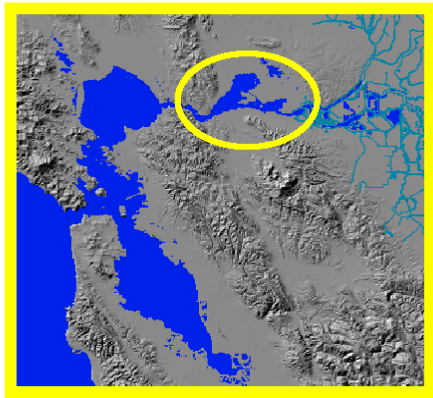
Predators of Pelagic Fish



data: Beach Seine catch/tow

Phytoplankton Primary Production

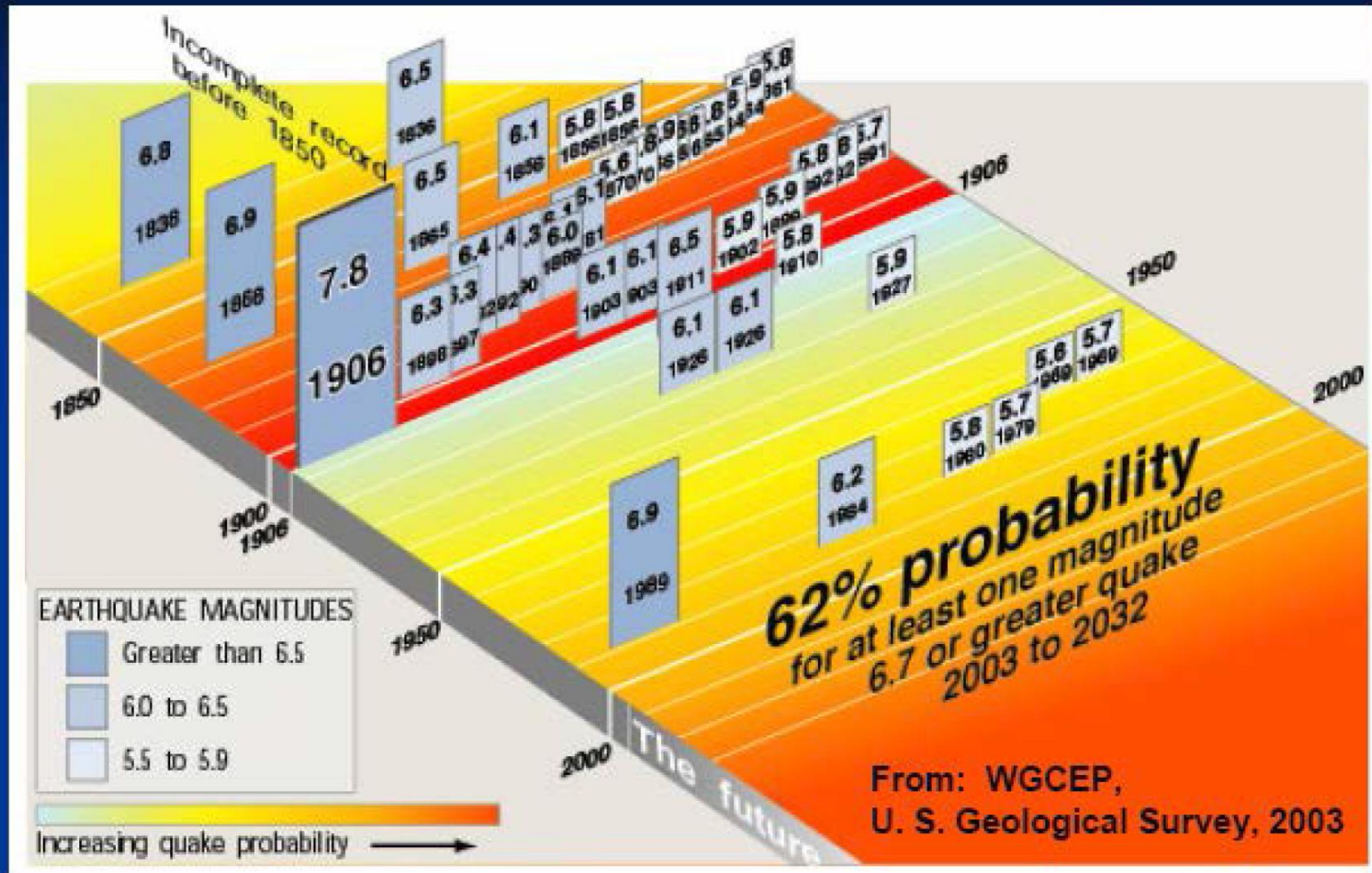
... CRASHED in
Suisun Bay right
after the 1987
Corbula invasion



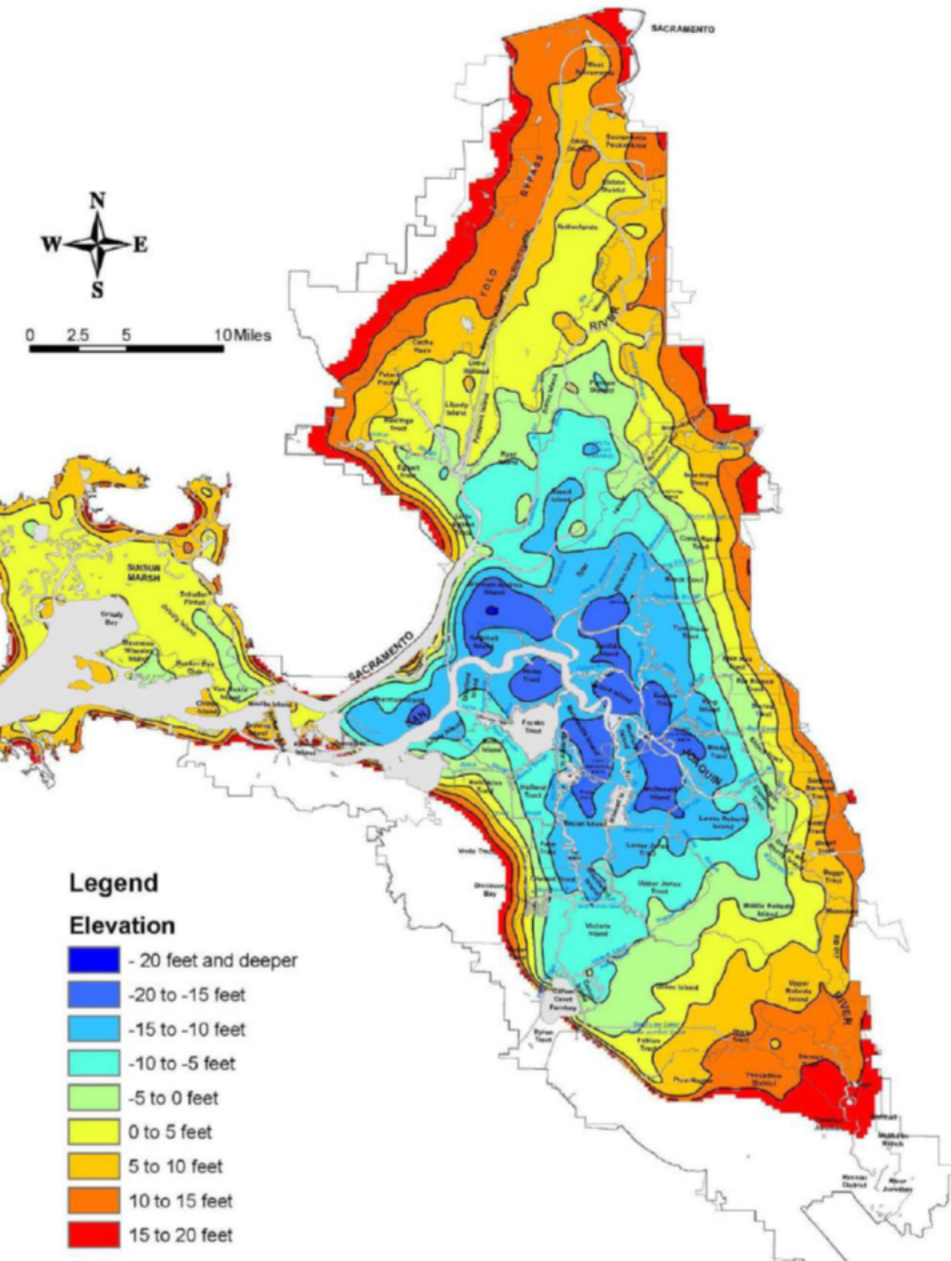
Source: J. Cloern (USGS): Oral presentation at the 2007 Annual IEP Workshop, Asilomar, CA



Past and Future Seismic Events in the Bay-Delta Region

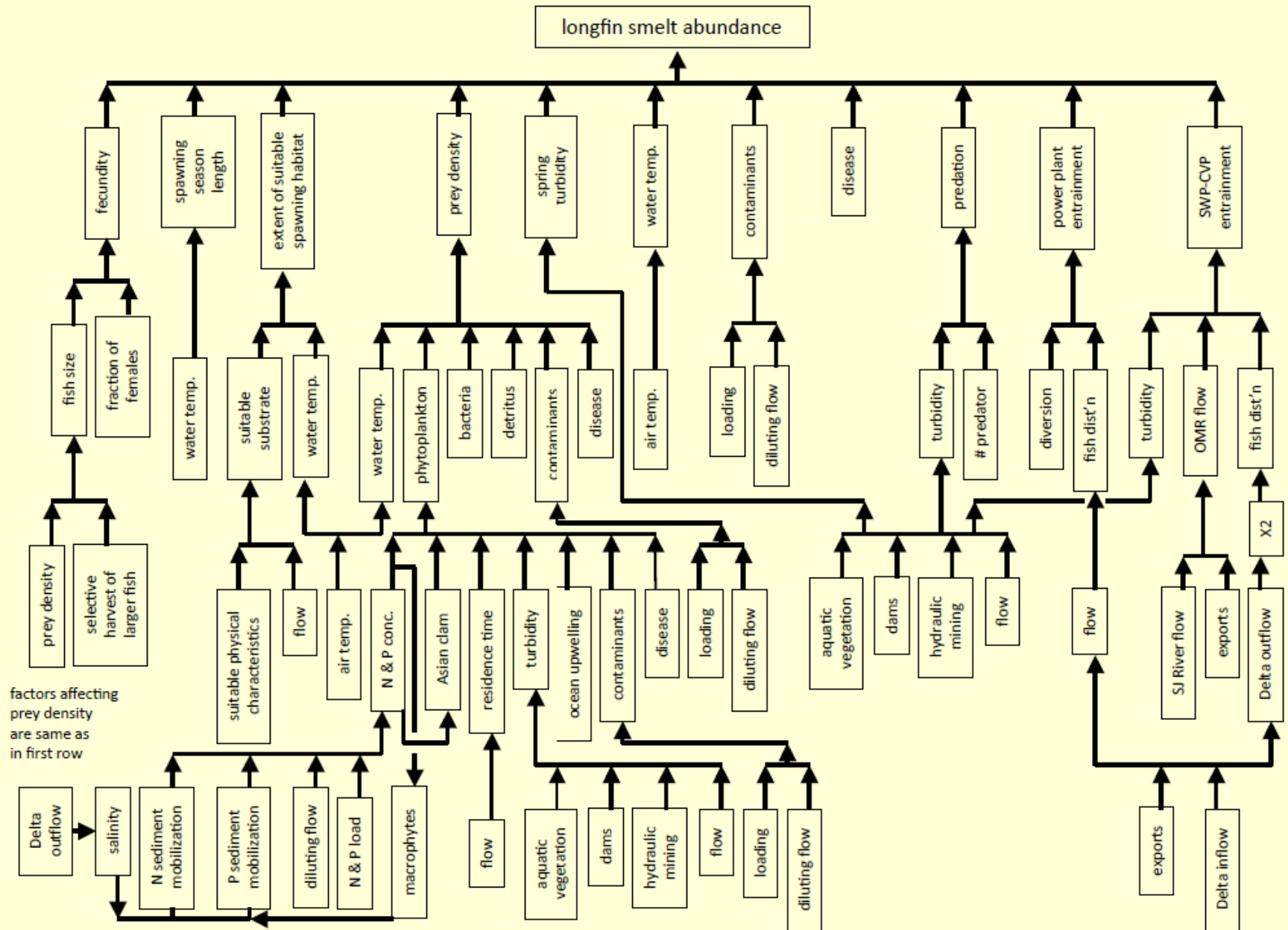


- Reclaimed Delta has generally been in a relatively low seismic period
- Increased probability for future large earthquakes





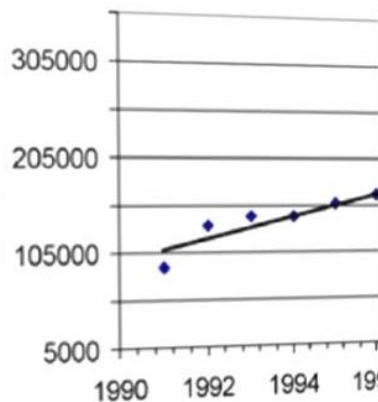
longfin smelt effects hierarchy



Near-Term Other Stressors

Toxics, Unscreened diversions, etc.

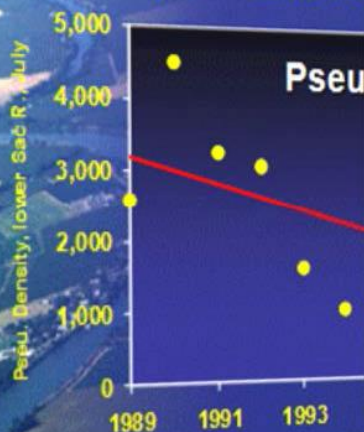
South San Joaquin Valley Pyrethroid Usage



Other Stressors

- Toxic pollutants
- Upstream diversions
- In-Delta diversions
- Invasive species
- Predation
- Climate change
- Recreation/commercial activities
- Intentional take
- Ocean conditions
- Water quality
- Food supply
- Stock recruitment

Key zooplankton for



Stockton

Fast Facts

The BDCP is...

...a long-term strategy to secure California's water supplies and improve the ecosystem of the Sacramento-San Joaquin River Delta.

The BDCP Co-Equal Goals

WATER SUPPLY RELIABILITY

3 INTAKES

2 GRAVITY FLOW TUNNELS

30 MILES IN LENGTH

9,000 CFS* CAPACITY

*Cubic Feet per Second

ECOSYSTEM RESTORATION

145,000

ACRES OF RESTORED AND PROTECTED HABITAT

57 PROTECTED SPECIES

IMPROVED FLOW CONDITIONS TO BENEFIT FISH IN THE DELTA



The BDCP Would Benefit Millions of Californians

The BDCP is one part of California's overall water portfolio. It aims to protect our unique Delta ecosystem and secure water supplies for a vast part of the California economy.

SECURING WATER SUPPLIES



4.7-5.6

MILLION ACRE-FEET ON AVERAGE ANNUALLY

(An acre-foot is roughly as much water as two California households use, indoors and outdoors, in a year)

CREATING & PROTECTING JOBS



1.1 MILLION

FULL-TIME EQUIVALENT JOBS CREATED AND SAVED FOR CALIFORNIA

(Based on a year by year estimate)

BOOSTING THE ECONOMY



\$84 BILLION

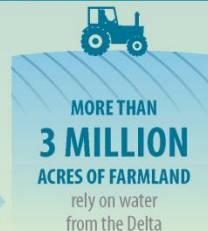
INCREASE IN STATE ECONOMIC PRODUCTIVITY

The BDCP is Important for California

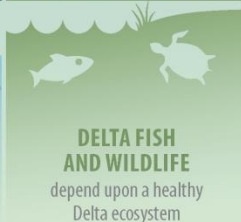
WATER SUPPLY RELIABILITY

25 MILLION PEOPLE

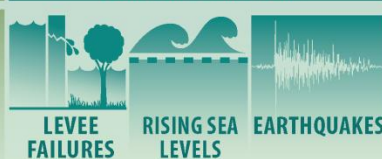
from the Bay Area to San Diego rely on water from the Delta



ECOSYSTEM RESTORATION



CLIMATE RISK ADAPTATION

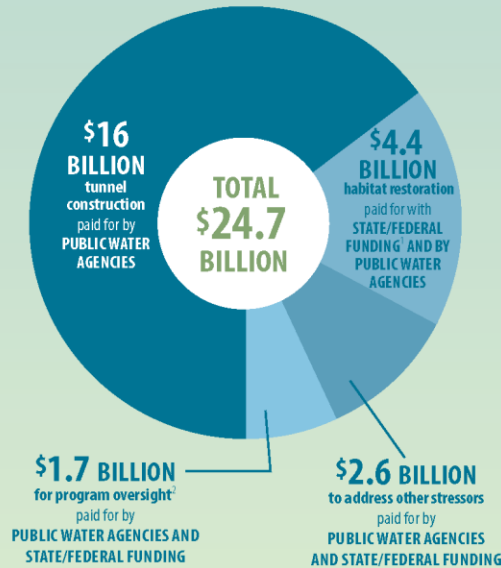


NATURAL RISKS AND CLIMATE CHANGE

threaten the reliability of the existing system

BDCP Cost and Funding...

...Implemented over a 50-year period.



¹The availability of federal funds will be contingent on future federal appropriations.

²Program oversight includes monitoring and research, management/administration, changed circumstances, and property tax revenue replacement.

The BDCP is Guided by the Best Available Science



ADAPTIVE MANAGEMENT PROGRAM

to implement and monitor BDCP biological goals and objectives



WATER OPERATIONS

by the Department of Water Resources and the U.S. Bureau of Reclamation



OVERSIGHT

by state and federal fish and wildlife agencies

The BDCP Would Benefit the Delta Ecosystem

DELTA RESTORATION

BDCP would contribute to the conservation of 57 species of fish, plants and wildlife in the Delta.

46



SPECIES OF PLANTS & WILDLIFE CONSERVED
would be conserved through protection and enhancements in the quantity and quality of habitat in the Delta.

52%



INCREASE IN PROTECTED LAND
in the Delta

11



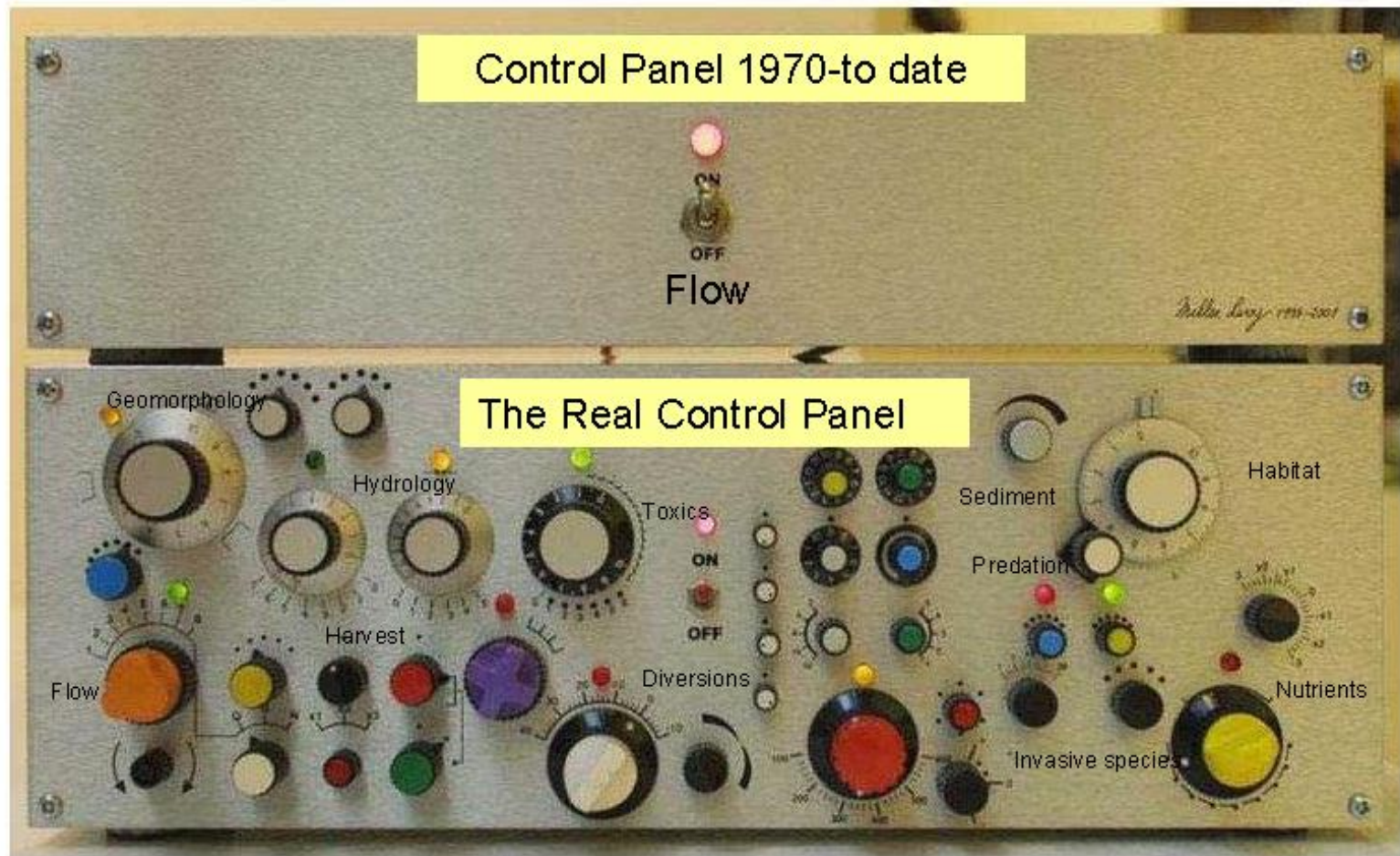
FISH SPECIES BENEFIT,
from an increase in the amount and quality of habitat, food sources, and ecological function of Delta flows. Species include Chinook salmon and delta smelt.

10



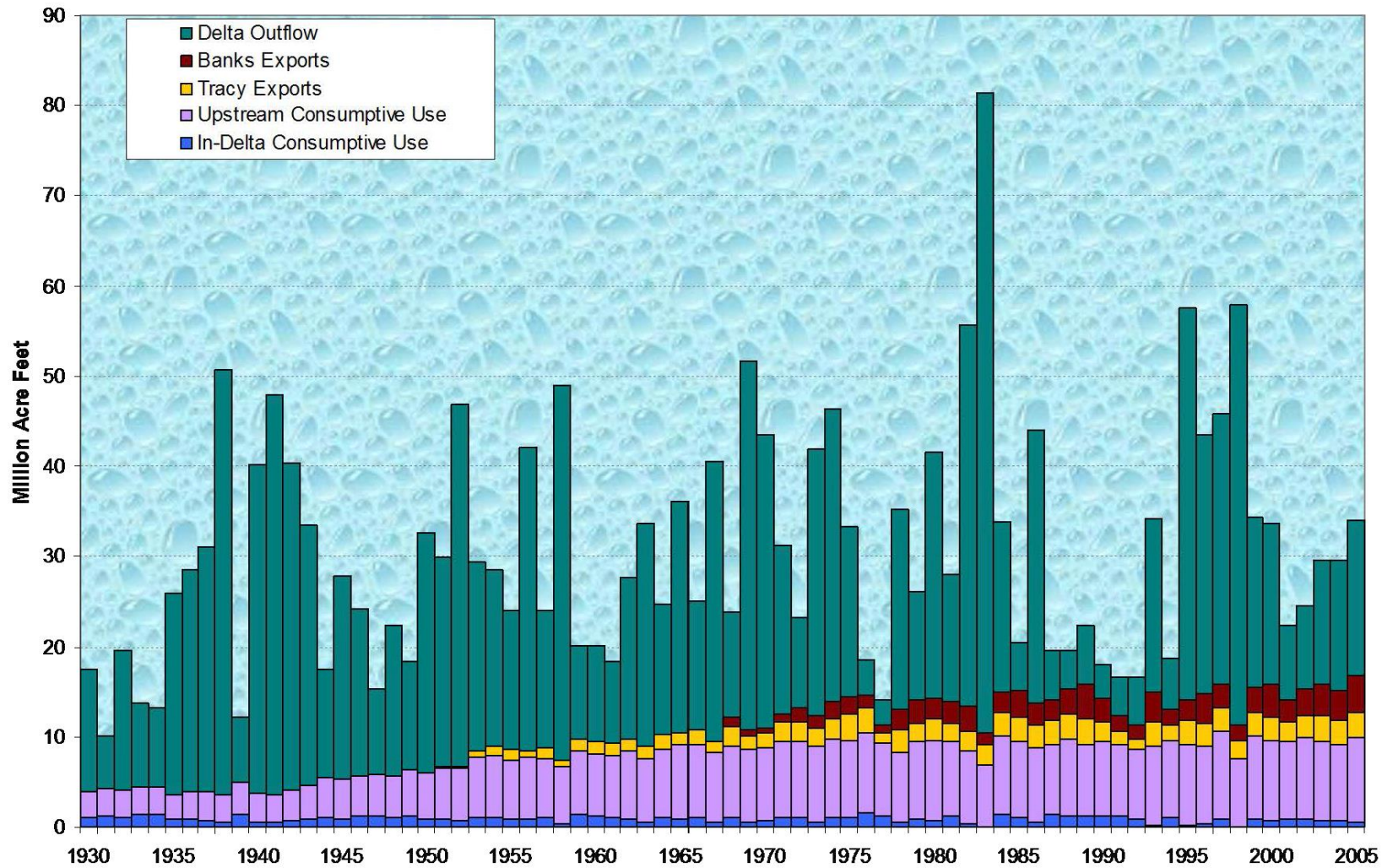
OTHER STRESSOR REDUCTION MEASURES
would reduce adverse effects, such as invasive species, predation, and contaminants, to improve the ecological function of the Delta.

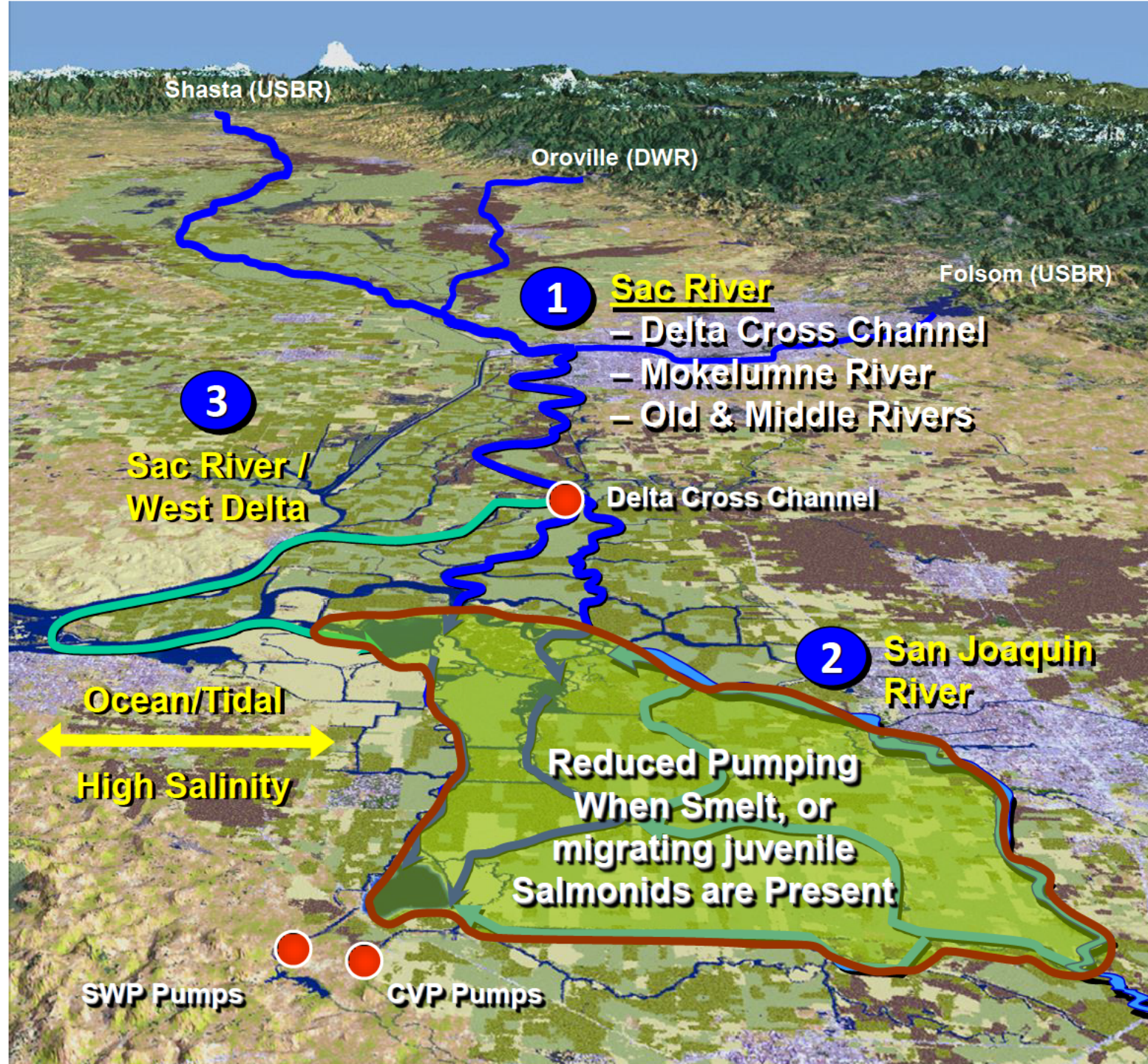
Delta Ecosystem Management





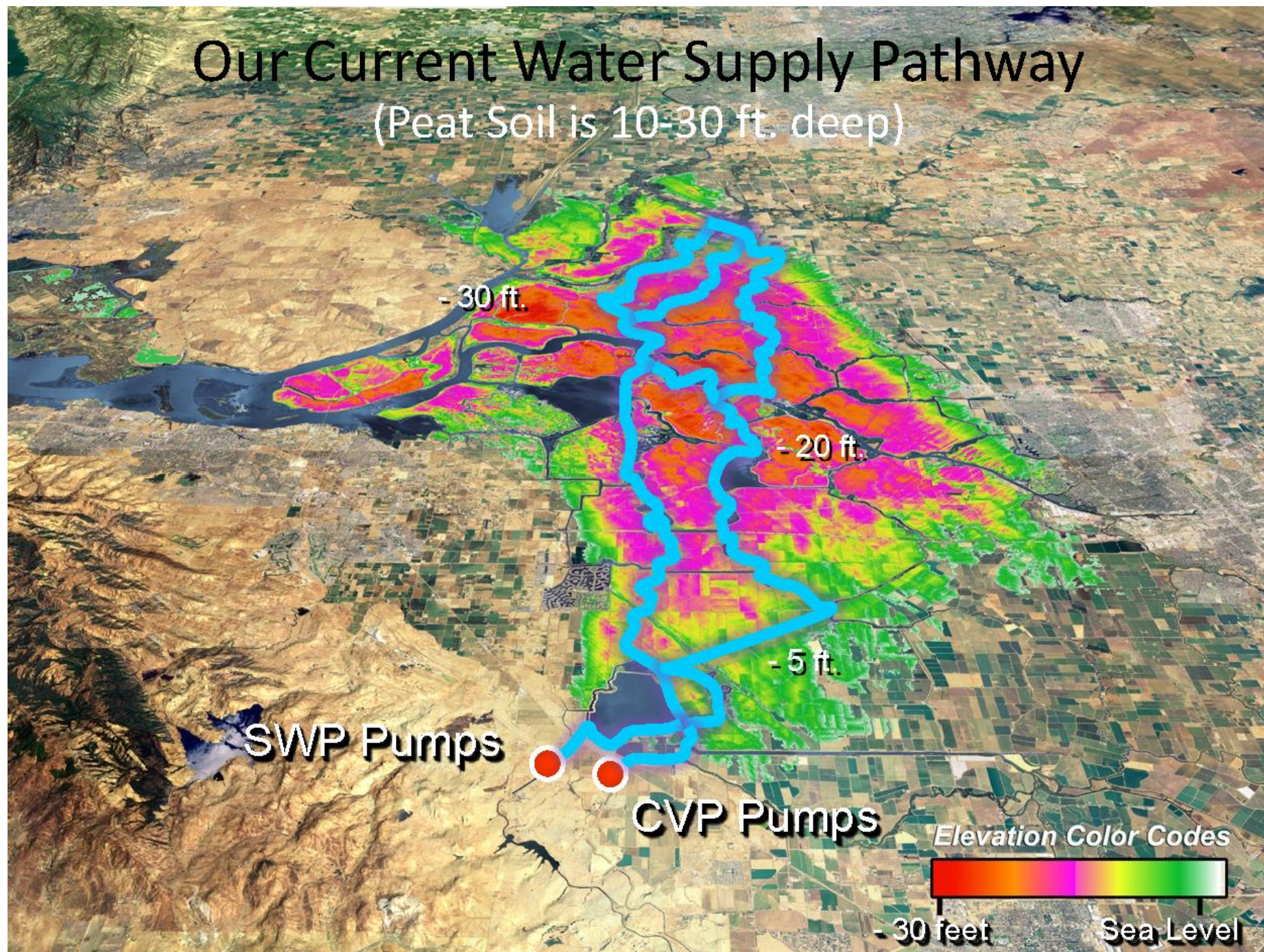
DRAFT: Delta Outflow, Upstream Consumptive Use, In-Delta Consumptive Use, and Exports





Our Current Water Supply Pathway

(Peat Soil is 10-30 ft. deep)



Los Angeles Times

AGRICULTURE



TOMAS OVALLE FOR THE TIMES

ARID: Joe Del Bosque hasn't planted tomatoes this year because he can't get enough water to grow them. "We can't survive at 10% of our water," he said.

Despair flows as fields go dry and unemployment rises

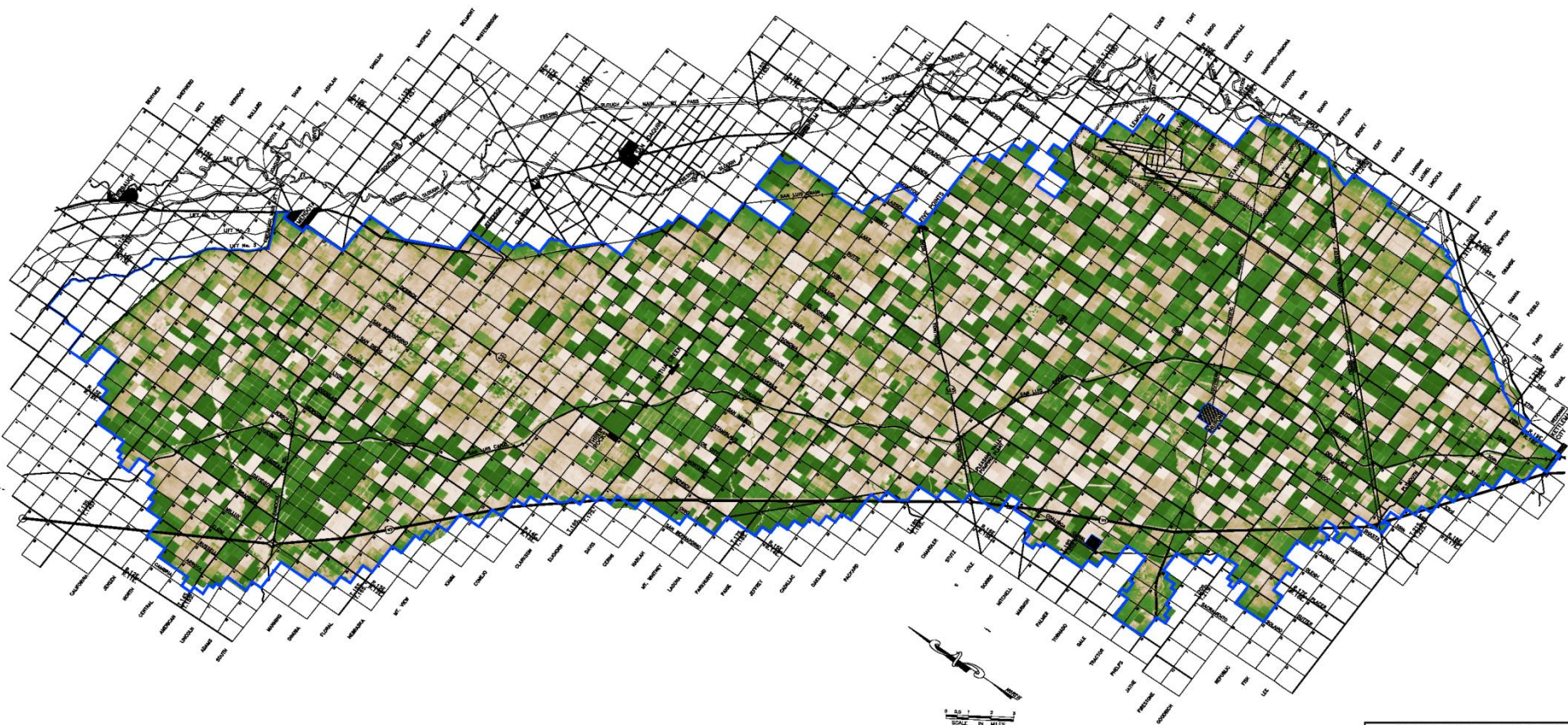
San Joaquin Valley farms are laying off workers and letting fields lie fallow as their water ration falls.

By Alana Semuels

July 6, 2009

Reporting from Mendota, Calif. — Water built the semi-arid San Joaquin Valley into an agricultural powerhouse. Drought and irrigation battles now threaten to turn huge swaths of it into a dust bowl.

Farmers have idled half a million acres of once-productive ground and are laying off legions of farmhands. That's sending joblessness soaring in a region already plagued by chronic poverty.



Westlands Water District Fallowed Fields

This is a satellite image displaying the condition of farming in the Westlands Water District on July 12, 2009. The vivid green areas are fields on which crops are being grown. The brown areas are fields that have been fallowed. And brown areas with random patchy areas of light green are fallowed fields which have been overrun with weeds. Overall, out of a total of 572,000 irrigable acres, the image confirms that only 317,000 acres were being farmed on this date. Fallowed lands included 169,000 acres that had been taken out of production due to water shortages and an additional 86,000 acres that have been permanently retired by the district.

WESTLANDS WATER DISTRICT
4140 N. WINDING ST. PISMO, CALIFORNIA 93424
 805.224.1533 Fax 805.241.6277

WESTLANDS AERIAL VIEW

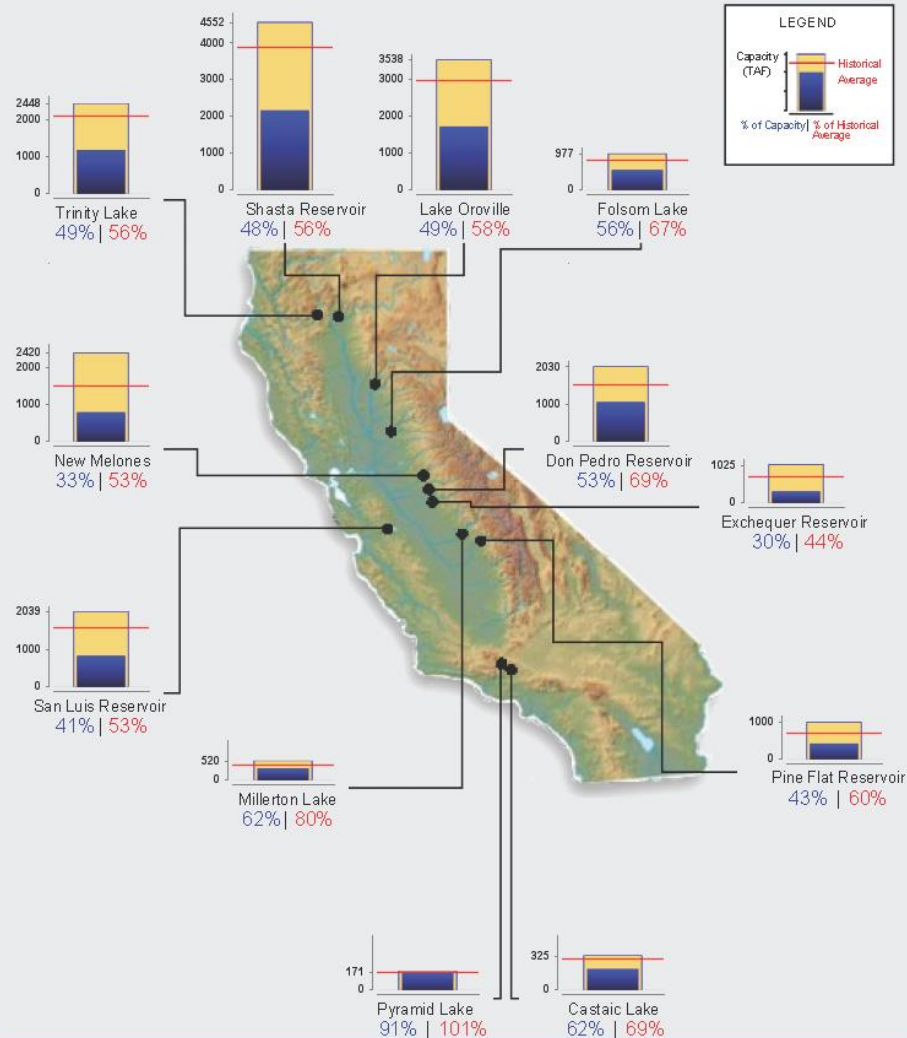
<small>DRAWN/ARCHIVED: 2009-09-0108 DWG</small>				<small>DATE: 7/12/2009</small>	
<small>NUMBER</small> 7	<small>DATE</small> 7/12/09	<small>DRAWN</small> J. RANGEL	<small>CHECKED</small> J. RANGEL	<small>APPROVED</small> J. RANGEL	<small>DATE</small> 7/12/09
<small>REVISION</small>				<small>DRAWING NO: 2009-09-0108A</small>	



Reservoir Conditions

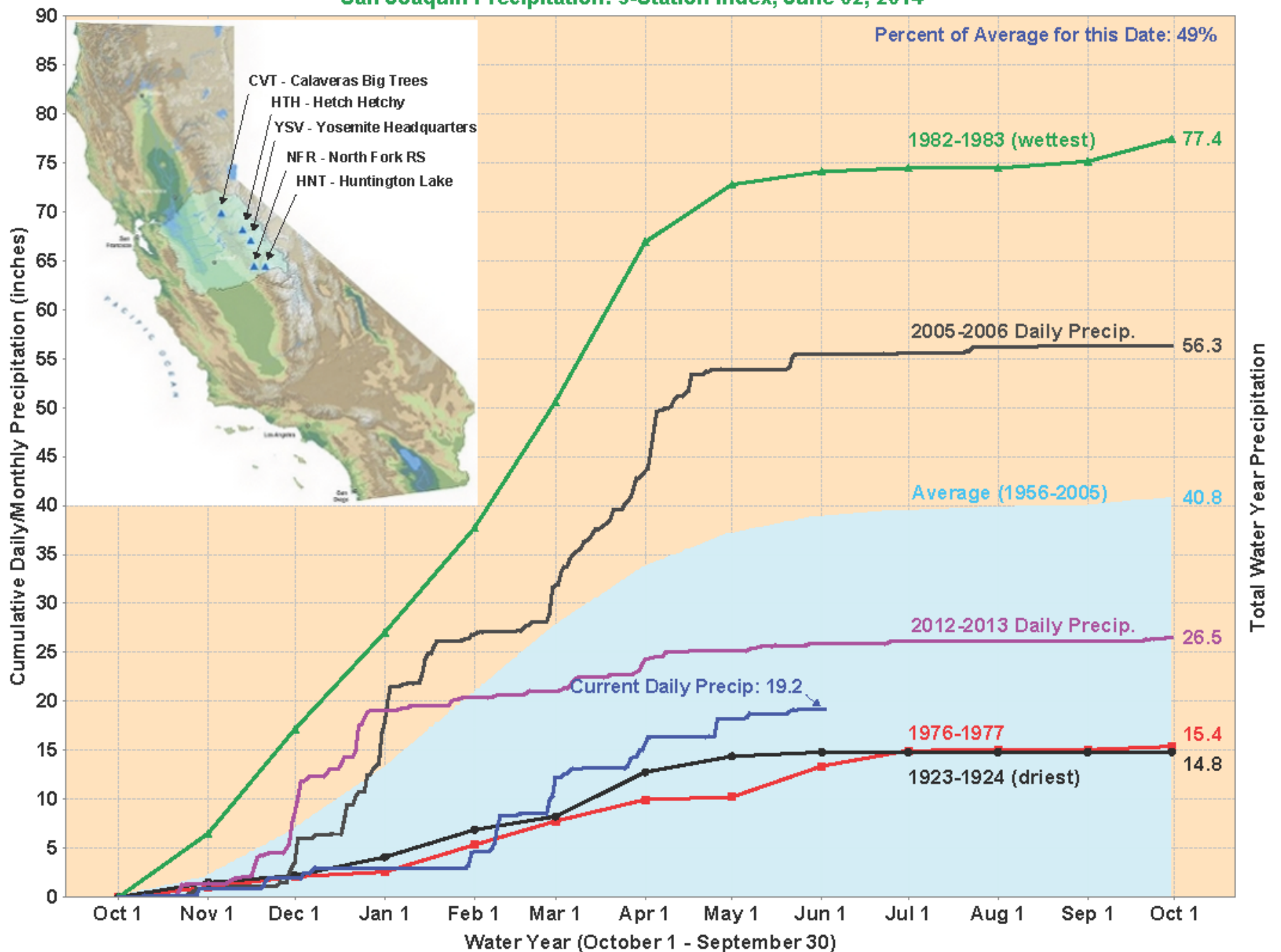
Ending At Midnight - June 1, 2014

CURRENT RESERVOIR CONDITIONS

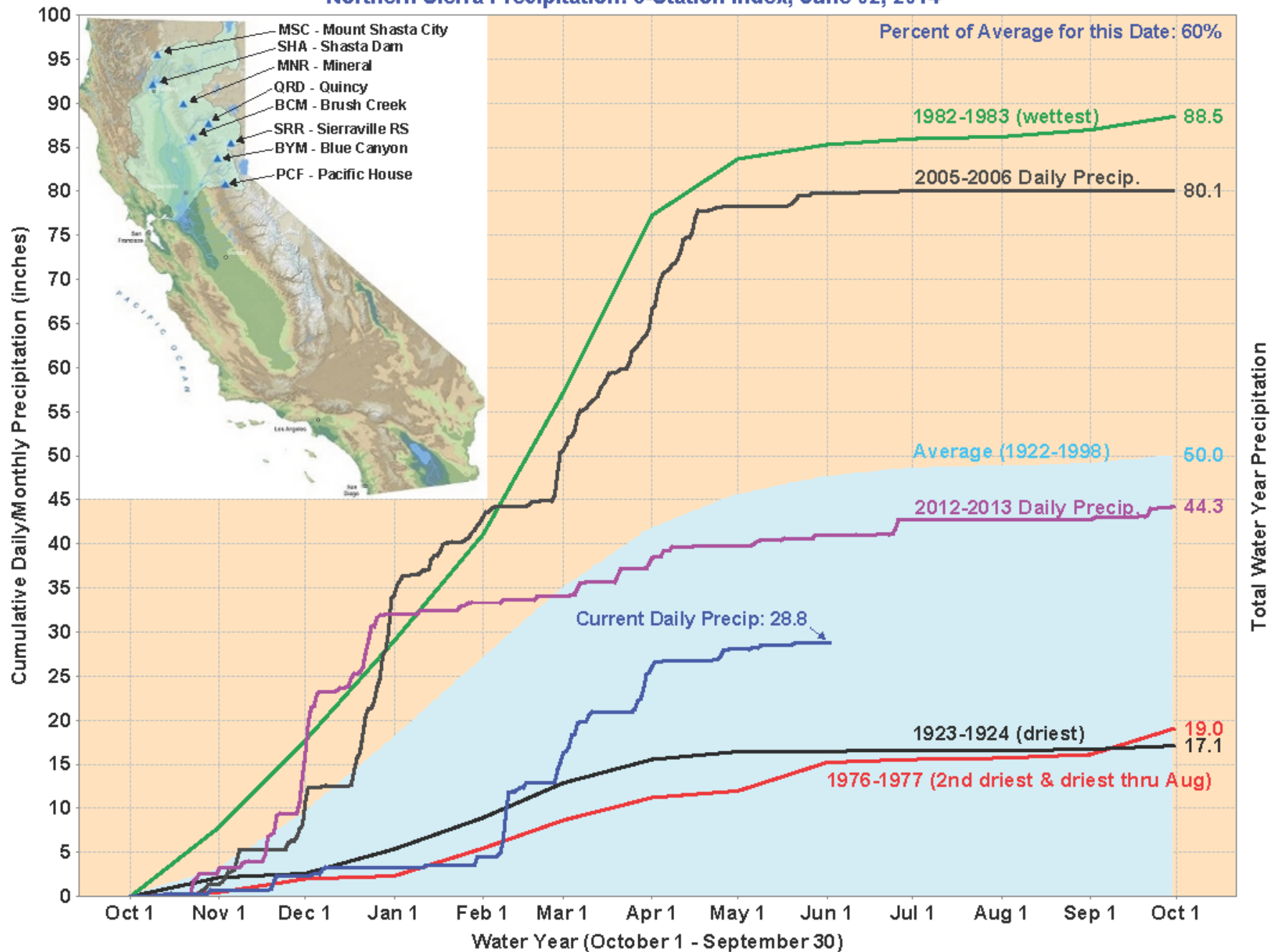


Graph Updated 06/02/2014 02:45 PM

San Joaquin Precipitation: 5-Station Index, June 02, 2014



Northern Sierra Precipitation: 8-Station Index, June 02, 2014

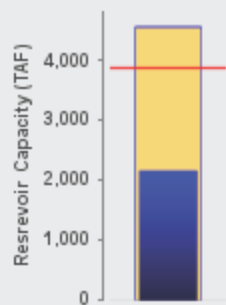




Reservoir Conditions - Shasta Reservoir

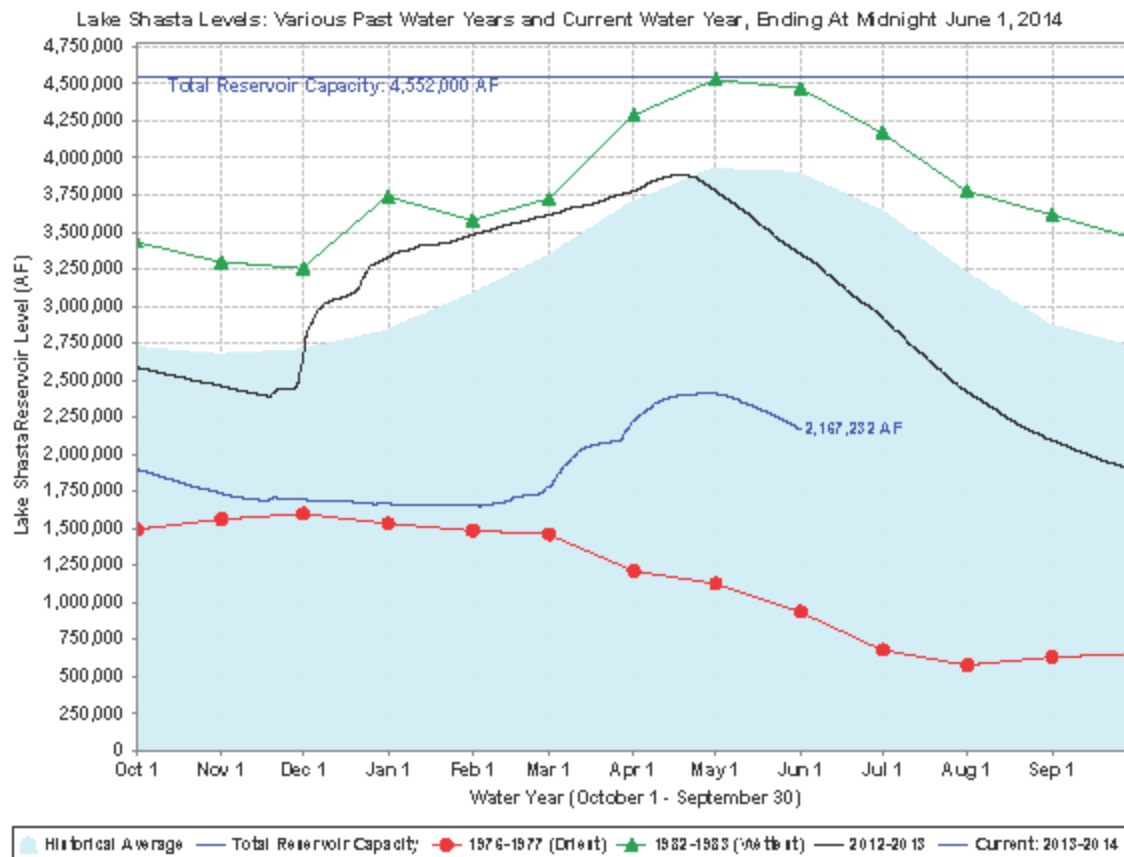


Lake Shasta Conditions (as of Midnight - June 1, 2014)



Current Level: 2,167,232 AF

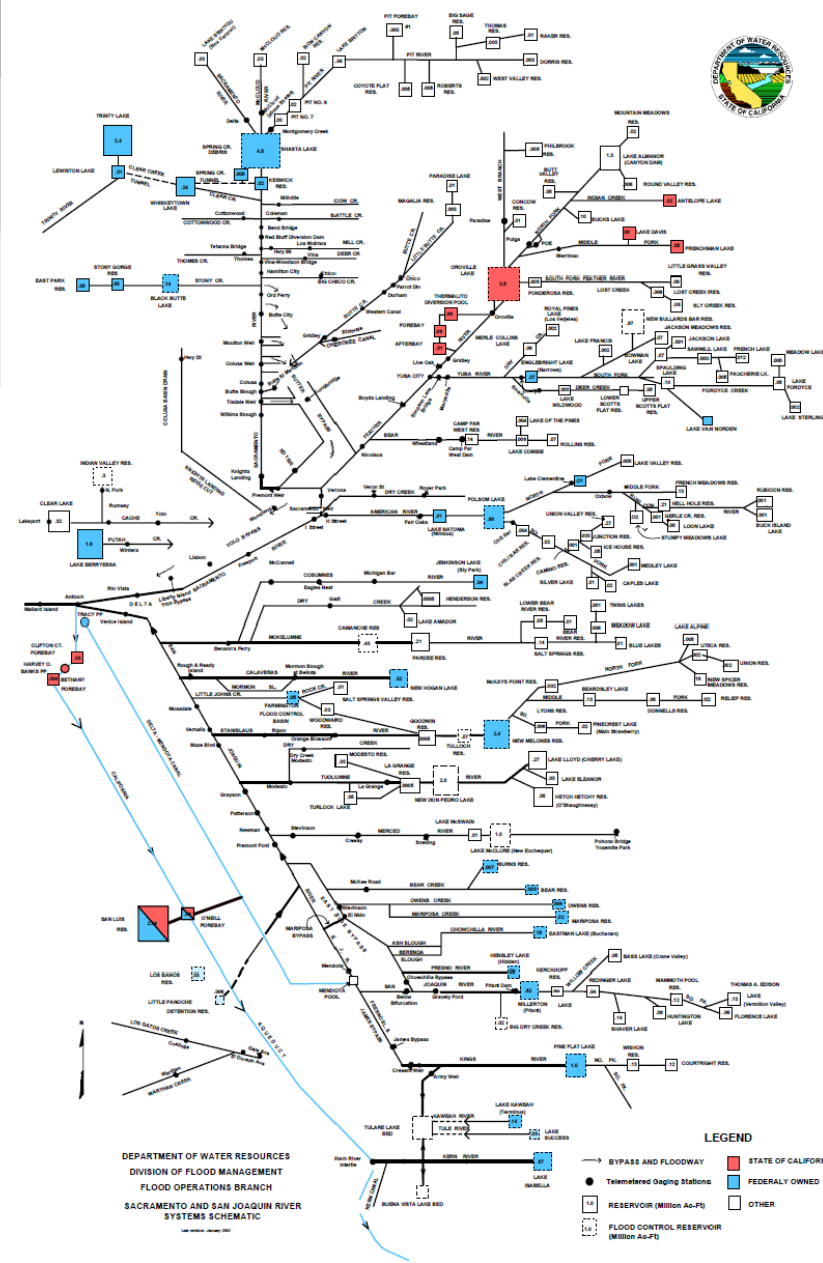
48% (Total Capacity) | 56% (Historical Avg)



Data Updated 06/02/2014 03:15 PM









From: Tom Birmingham
Sent: Thursday, June 12, 2014 6:56 AM
To: 'Nelson, Damon'
Subject: RE: Smelt and surf smelt

Indeed. Bernhardt will draft the language. Call me if you have any questions.

-----Original Message-----

From: Nelson, Damon [<mailto:Damon.Nelson@mail.house.gov>]
Sent: Thursday, June 12, 2014 6:05 AM
To: Thomas Birmingham
Subject: Smelt and surf smelt

I understand you guys hatched a plan for interior after I left last night.

Devin tells me you guys are drafting language for us to take to the committee.

Sent from my iPhone

From: Nelson, Damon
Sent: Thursday, June 12, 2014 7:08 AM
To: Tom Birmingham
Subject: Re: Smelt and surf smelt

Will do. Thank you.

Sent from my iPhone

> On Jun 12, 2014, at 9:56 AM, "Tom Birmingham" <tbirmingham@westlandswater.org> wrote:
>
> Indeed. Bernhardt will draft the language. Call me if you have any questions.
>
> -----Original Message-----
> From: Nelson, Damon [<mailto:Damon.Nelson@mail.house.gov>]
> Sent: Thursday, June 12, 2014 6:05 AM
> To: Thomas Birmingham
> Subject: Smelt and surf smelt
>
> I understand you guys hatched a plan for interior after I left last night.
>
> Devin tells me you guys are drafting language for us to take to the committee.
>
> Sent from my iPhone
>

From: Tom Birmingham
Sent: Thursday, June 12, 2014 7:21 AM
To: 'Karen, Catherine'
Subject: RE: EPA Meeting Cancelled

Did you hear back about Bernhardt attending our meeting?

From: Karen, Catherine [mailto:ckaren@sidley.com]
Sent: Thursday, June 12, 2014 5:09 AM
To: Tom Birmingham
Cc: Martella, Roger
Subject: EPA Meeting Cancelled
Importance: High

Hi Tom,
Just left you a voice mail. EPA called and they apologize but now has a conflict and cannot do our meeting at 10 am. We are still willing to meet you for breakfast here but just wanted to make you aware in case you want to hold off until our DPC meeting.
Catherine

CATHERINE KAREN
Counsel

Sidley Austin LLP
1501 K Street, N.W.
Washington, DC 20005
+1.202.736.8368
ckaren@sidley.com
www.sidley.com



SIDLEY AUSTIN LLP

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This e-mail is sent by a law firm and may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

From: Karen Clark
Sent: Thursday, June 12, 2014 11:47 AM
To: Donald Peracchi; Sarah Woolf; Dan Errotabere; David L. Bernhardt
Subject: Meeting on Monday, June 16 at 4:00 p.m.

All,

I've scheduled a meeting on Monday, June 16 at 4:00 p.m. at the District's Fresno Office for David to brief everyone on Washington DC events.

If you have any questions, feel free to contact me.

Sincerely,

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93710
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Daniel Errotabere
Sent: Thursday, June 12, 2014 1:13 PM
To: 'Karen Clark'; 'Donald Peracchi'; 'Sarah Woolf'; 'David L. Bernhardt'
Subject: RE: Meeting on Monday, June 16 at 4:00 p.m.

Yes. I will attend.

From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: 06 12, 2014 11:47 AM
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Subject: Meeting on Monday, June 16 at 4:00 p.m.

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If you have any questions, feel free to contact me.

Sincerely,

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93710
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark
Sent: Thursday, June 12, 2014 2:21 PM
To: 'Daniel Errotabere'
Subject: RE: Meeting on Monday, June 16 at 4:00 p.m.

Hi Dan,

David's secretary said he is going to have a difficult time making a 4:00 p.m. meeting after all. Could you make a lunch meeting at 11:30 a.m. instead?

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93710
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

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Sent: Thursday, June 12, 2014 1:13 PM
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Westlands Water District
P.O. Box 6056
Fresno, CA 93710
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Jason Peltier

Sent: Friday, June 13, 2014 12:01 PM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'T Birmingham (tbirmingham@westlandswater. org)'; 'Dennis Cardoza'; Philip Williams; James Watson; Jon Rubin; Ara.azhderian@sldmwa.org

Subject: Friant Ltr - Members HR 3964 and S 2198 and response

From: Jason Peltier

Sent: Friday, June 13, 2014 12:21 PM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'Tony Coelho'; 'T Birmingham (tbirmingham@westlandswater. org)'; 'Dennis Cardoza'; Philip Williams; 'James Watson'

Subject: Resend. some did not get these Friant letters

Attachments: Ltr - Members HR 3964 and S 2198 6-12-2014.pdf; Ltr to Friant Board of Directors.pdf

FRIANT

WATER AUTHORITY

June 12, 2014

Harvey A. Bailey
Chairman of the Board

Nick Canata
Vice Chairman

Tom Runyon
Secretary/Treasurer

Ronald D. Jacobsma
General Manager

Jennifer T. Buckman
General Counsel

Member Agencies

*Arvin-Edison W.S.D.
Delano-Earlimart I.D.
Exeter I.D.
City of Fresno
Fresno I.D.
Ivanhoe I.D.
Kaweah Delta W.C.D.
Kern-Tulare W.D.
Lindmore I.D.
Lindsay-Strathmore I.D.
Lower Tule River I.D.
Madera I.D.
Orange Cove I.D.
Pixley I.D.
Porterville I.D.
Saucelito I.D.
Shafter-Wasco I.D.
Stone Corral I.D.
Tea Pot Dome W.D.
Terra Bella I.D.
Tulare I.D.*

Main Office

*854 N. Harvard Avenue
Lindsay, CA 93247
559.562.6305
559.562.3496 Fax*

Sacramento Office

*1107 9th Street, Ste. 640
Sacramento, CA 95814
916.346.5165
916.346.4165 Fax*

www.friantwater.org

The Honorable Ken Calvert
The Honorable Devin Nunes
The Honorable Kevin McCarthy
The Honorable Valadao
U.S. House of Representatives
Washington, D.C. 20515

Dear Representatives Calvert, Nunes, McCarthy and Valadao:

Thank you for your letter of May 21 requesting the Friant Water Authority (Friant) provide specificity as to the items in H.R. 3964 and S. 2198 Friant supports and those we do not. Friant is taking this opportunity to provide you with a number of proposed changes and additions to the bills we hope will assist you and California's Senators in your effort to negotiate compromise legislation to address California's water crisis, and we thank you for the invitation to provide comments.

We again express our gratitude for your assistance and for the diligent work of your staffs during this unprecedented situation in which the 15,000 small family farms of the Friant Division are without a surface water supply for the first time since construction of the Central Valley Project (CVP) more than 60 years ago. Your assistance is urgently needed. Both short-term and long-term solutions are required to restore balance in meeting the needs of the environment, our farms and our communities. As this year clearly demonstrates, balance is missing.

Friant has specific broader objectives we would like to see achieved through the development of compromise legislation. These include:

1. A long-term balanced approach to provide certainty and stability for Delta export supplies
2. Direction to implement specific water supply provisions of the San Joaquin River Settlement Act
3. Adjustment of the 2014 Operations and Maintenance Costs for the Central Valley Project

4. Long-term water supply infrastructure improvements including additional surface storage

We will provide whatever assistance you require to reach agreement soon on bipartisan legislation to ensure these objectives are met and we never again endure another year like 2014. In addition to the summary positions outlined above, we have included specific comments and recommendations for compromise legislation to be forged from H.R. 3964 and S. 2198.

Delta/ESA

Section 108 of H.R. 3964 section seeks to provide certainty and stability for Delta export supplies by directing that the CVP and the State Water Project (SWP) to be operated in accordance with specific Biological Opinions. The provision states that if the projects are operated in a manner consistent with the Bay-Delta Accord; they have complied with all requirements of the Endangered Species Act. The goal of Section 108 is the Friant Water Authority's highest legislative priority. As stated in Friant's May 2, 2014, letter to Senator Feinstein and Representative Valadao supporting their efforts to advance S. 2198 and H.R. 3964, *"It is the position of the FWA that federal water legislation for California must ensure that application of the ESA in the delta be transparent, predictable, collaborative and solidly grounded in science. Legislation that does not include such reforms is not worth pursuing because it provides no foundation for a reliable water supply."*

Friant wholeheartedly supports the goal of Section 108, but we have developed a concept for a different approach that we believe may be more effective. An outline of the concept is attached. We previewed this approach with your offices during meetings in Washington in April, and we are continuing to discuss it with affected water agencies in California. We look forward to discussing it with you in more detail.

The San Joaquin River Settlement

The San Joaquin River Settlement commits Friant to a contractual obligation to comply with the terms of the Settlement. We never liked the idea of having to put our water down the San Joaquin River and we are now very concerned about the viability of the project given the a lack of adequate funding, inaccurate cost estimates, technical problems and the agencies' inability to comply with the Settlement's overly optimistic target dates.

However, you asked us what a "non-starter" is for Friant. Well, one of those would be agreeing to any repeal or unilateral changes to the Settlement Act without the agreement of all the Settling Parties. We would not support action of any other settling parties trying to make changes without our support and thus cannot support Title II of H.R. 3964, which would repeal the *San Joaquin River Restoration Settlement Act*, and replace the Settlement's Restoration program with a warm-water fishery.

Absent our Settlement obligations, we would be concerned that portions of Title II as written could result in water supply losses in some years greater than those under the Settlement. These

include the in-stream flow requirements for the warm-water fishery as envisioned in H.R. 3964, which might result in the loss of more dry-year water than Friant currently provides to the river. If a warm-water fishery is going to be the preference of Congress, it must require agreement of the Settling Parties and have better science applied to ensure the viability of the fishery and to ensure Friant contractors don't end up in a worse position than we are today. Another "non-starter" in Title II is the provision (Sec. 203(m)) that could be interpreted to impose additional water supply losses to meet certain state standards, to which Friant is not subject.

Although Friant does not support outright repeal of the Settlement, it is clear to us the Settlement is not working as the Parties had intended. We believe that the Settlement agreement should be revisited by the Settling Parties and revised by them to reflect the realities confronting the program almost 10 years after Settlement negotiations first began. The Bureau of Reclamation (Reclamation), a party to the Settlement, has recently presented the Parties with a draft *2014 Update to the Framework for Implementation*, which we believe provides an excellent foundation for a Settling Party discussion about revising the agreement. Friant has formally requested that the Settling Parties begin discussion.

There are two specific needs Friant has under the implementation of the Settlement, both of which may need language in the development of compromise legislation:

1. Consistent with the settlement, make restoration flows available to the Friant contractors below the confluence of the Merced River, subject to applicable State and Federal regulations.
2. Consistent with the settlement, authorize use of revenue from selling water to Friant contractors under section 13(i) of the Settlement Act to be available to Reclamation without further appropriation.

Friant is asking the Settling Parties to meet to discuss these matters, and we may need further legislation to implement these measures following the Settling Parties discussions.

Changes to the San Joaquin River Settlement agreement must be agreed to by all of the Settling Parties, and some changes in the Settlement's implementation and the Settlement Act must also have the concurrence of affected Third Parties. Friant believes there are some actions Congress can take on its own that are consistent with the Settlement and would improve its implementation. These include mandating Reclamation to pursue options to recirculate Settlement flows before they reach the Delta, and establishing a 1:1 Delta inflow/export standard for Settlement flows at Vernalis. Congress can also mandate resolution of the Reclamation contracting issues that are stalling working on the Friant-Kern Canal capacity restoration project. Friant provided background information on these issues to your offices earlier this year, and we request you include provisions to address them in any compromise drought legislation.

We have prepared legislative text on this matter. It is attached for reference.

O&M Relief

CVP water contractors pay for the operation and maintenance (O&M) of the project through the water-rate structure. The CVP-wide O&M costs are added up and assigned, through rate-setting procedures, to those CVP contractors receiving water in any given year.

In normal, and even dry water years, this process is fair – O&M reimbursement obligations are spread amongst the contractors based on the benefit received. Water Year 2014 is not normal. There is a real possibility the entire CVP O&M budget (approximately \$45 million annually) will be borne by a small number of CVP agricultural water users as a result of the fact little water will be delivered by the CVP in the 2013-14 Federal Fiscal Year.

As Friant and other CVP water users have discussed with you, these crippling O&M costs will be a genuine financial crisis that will prevent many farms and water districts from recovering from the already devastating effects of this year's drought.

We greatly appreciate the efforts that Members of the California Delegation have already made to find a solution to this critical matter. Friant again requests House and Senate negotiators make every possible effort to ensure that farmers and water districts struggling with the effects of drought are not also unduly burdened with the costs of a water project not being operated in a fair and balanced manner.

We have prepared legislative text on this matter. It is attached for reference.

Water Supply Infrastructure

California's water supply system is inadequate to meet all of the State's needs. Improvements in conservation, water reuse and groundwater management, or even more rational application of environmental laws, will not by themselves ensure an adequate supply of water for California's farms, cities and industries. Additional storage and new conveyance must be a component of any long-term solution. We urge you to consider including in the compromise legislation provisions that would, at a minimum, streamline regulatory review of proposed storage projects and facilitate federal, state and local investment in water supply infrastructure.

S. 2198 & HR 3964

In addition to the specifically outlined objectives listed above, Friant offers general comments on both S. 2198 and HR 3964.

S. 2198 – The Friant Water Authority supports the direction in S. 2198 mandating that federal regulatory agencies treat drought like the emergency it is and take all necessary steps within the law to maximize water supply deliveries, streamline environmental reviews, and apply funding under existing programs to facilitate development and effective use of water supplies during the current drought. However, many of the consequences of the current drought are the result of

systemic flaws in how the CVP and SWP are operated under ESA, the CVPIA and other environmental mandates. These flaws require long-term solutions going beyond the current declared drought. Short-term assistance is needed, but legislation addressing only the short-term is a “non-starter” for Friant.

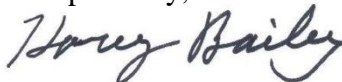
H.R. 3964 – The Friant Water Authority supports sections of *The Sacramento-San Joaquin Valley Emergency Water Delivery Act*, that would make changes to the Central Valley Project Improvement Act (CVPIA) and other laws to eliminate outdated federal and state protections for invasive fish species; improve coordination of federal and state regulatory reviews; restore certainty for Central Valley Project water supply contracts; facilitate water transfers; establish a stakeholder oversight panel for the CVP Restoration Fund; strengthen requirements to enhance CVP water yields; facilitate the advancement of federal and non-federal water storage projects; authorize a pilot program to control destructive non-native fish species; and attempt to provide a transparent, rational framework for application of the Endangered Species Act and other environmental protections in the Delta.

Friant has developed a number of suggested improvements to provisions of Titles I, III, IV and V of H.R. 3964, which are attached for your review. We have previously discussed these proposed changes with your offices and with other water agencies in the San Joaquin Valley. Our suggested changes are attached in legislative form for your convenience, but we remain open to further discussion of these matters with you, the Senate Delegation and the affected interests within your respective Congressional Districts.

In addition to the proposed changes in the text of H.R. 3964, enclosed are materials and suggested legislative language on some of the issues discussed above. If you require further information, please let us know. Landowners and representative of Friant will be in Washington DC on the 17th through the 19th of this month to discuss these matters with you personally. It is critical we work together to solve these problems. The lack of adequate water supply infrastructure and the unbalanced or inept application of environmental laws are primary contributing factors to the water-supply deficit in the San Joaquin Valley, now estimated to be more than 2 million acre-feet per year.

Again, thank you for your considerable efforts on behalf of Central Valley agricultural water users. The Friant Water Authority and its member agencies stand ready to assist you in any way we can as you and the Senate Delegation work to develop and enact compromise legislation to repair our broken water-supply system. Our future depends upon your success.

Respectfully,



Harvey A. Bailey
Chairman

cc: The Honorable Dianne Feinstein
 The Honorable Barbara Boxer
 The Honorable Jim Costa
 The Honorable Tom McClintock
 The Honorable Jeff Denham
 FWA Member Districts

Enclosures

Friant Water Authority – April-June 2014
ESA pilot program for CVP-SWP – Conceptual Proposal

Goal: to assure a reliable water supply can be obtained from the Delta

Background:

- The Endangered Species Act, as applied in the California Bay-Delta, creates tremendous uncertainty about available water supply.
- The Bay-Delta is key to the water supply to the Central Valley as well as to millions of people in Southern California.
- This year, the fish protection regulations have prohibited pumping more than 1 million acre-feet of water, even though there is no evidence that pumping is harming the protected fish or that the fish are even anywhere near the pumps.
- Because the fish protection regulations block us from getting water from the Delta to the Exchange Contractors, the Exchange Contractors will have to take San Joaquin River water, and Friant is left with no surface water supply. We will lose permanent plantings and fallow thousands of acres.
- This is bad science and bad policy. This must be fixed. We need to rebalance the ESA so that it better meets contractors' needs while still protecting the fish.

Concept for Solution:

- A **limited scope “pilot project”** that Congress deems to satisfy the Endangered Species Act
 - Unique to California and not precedential for any other area
 - Fixed time period based on appropriate scientific factors, such as hydrologic cycles and migratory fish returns
 - At least 12 years in duration, with “right of renewal”
 - Offramps to prevent jeopardy
- **Varies with hydrology** so it's biologically defensible
 - Fish flows capped at a pre-determined percentage of total volume
 - Percentage varies with year type (Critical Low, Critical High, Dry, Normal Dry, Normal Wet, Wet)
 - Follows natural conditions
 - Consistent with CVP/SWP contractors' joint 50/50 proposal
- Makes use of the **Best Scientific Data**, as intended under the ESA
 - Improved monitoring to track species status during program
 - Reporting back to Congress at regular intervals
 - Much more transparent process, leading to better science

SJRRP 13i Flows

Background

San Joaquin River Restoration Program will not be able to receive full restoration flows in 2014 as anticipated under the Settlement.

Under the terms of Section 13(i) of the Settlement, Restoration Flows not able to be used by the SJRRP are to be made available first to Friant contractors.

Friant needs 13(i) flows to mitigate past and future water supply impacts of the SJRRP and the 2014 drought

Proposed Unreleased Restoration Flows (13i) – Concept

Water not released for restoration flows due to channel constraints or determination by the Restoration Administrator, are returned to Friant Contractors, pro-rata, at a predetermined rate with revenues going to SJR Fund for use by SJRRP.

Issues

- Under the Settlement Act, revenues generated under the 13(i) provision of the Act are not available without appropriation until 2020
- In order for this program to work, Reclamation needs the ability to access 13(i) revenues without appropriation so that it can use the funding to bank water for other SJRRP program needs (unexpected seepage flows)

Next Steps

- Settling Parties work out terms of 13(i) program
- Ask Congress to address funding mechanics to distribute 13(i) revenues directly to SJRRP without further appropriation

Friant Water Authority Feb. 2014

Proposed Text Related to Facilitation of San Joaquin River Restoration Flows Recirculation Projects Below Confluence of Merced River

Current law provides:

“The Secretary of the Interior is authorized and directed to:

...

- (4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—
- (A) applicable provisions of California water law;
 - (B) the Secretary’s use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of- Delta Central Valley Project contractors; and
 - (C) the Secretary’s performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

Paragraph 16 of the Settlement provides:

The Secretary to is develop and implement a plan for recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows for the purpose of reducing or avoiding water supply impacts to Friant Division long-term contractors, subject to various conditions.

The Problem

As of this date, no Recirculation Plan has been approved by the Bureau; however, potential recirculation plans have been identified by some of the Contractors. There is some question as to whether the Bureau will approve or otherwise facilitate a recirculation project prior to the plan being completed. Further, there is some question whether “recirculation” means being able to re-divert from the main stem of the San Joaquin below the confluence with the Merced, or conversely whether Restoration Flow Water that can be carried past Mendota Pool should be required to flow all the way to the Delta and only then be subject to being picked up for recirculation. Finally, there is some question as to whether the recirculation plan

needs to be developed by the Bureau on behalf of all Friant contractors, or whether the Settlement allows for recirculation projects to be furthered by individual districts.

To answer these questions, and to facilitate recovery from the drought, the Secretary should be directed to implement reasonable and feasible recirculation projects proposed by individual districts that re-divert from the SJR after the Merced confluence but before the Delta, regardless of whether a Bureau-wide recirculation plan has been developed and implemented, provided the individual project is consistent with state law and the other requirements established by the Settlement and existing federal law.

Text:

Amend Subsection (a) of Section 10004 of Title X of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; Mar. 30, 2009; 123 STAT. 991 et seq.) by adding at the end (following existing subsection (5)), a new subsection (6) as follows:

(6) Whether after a plan has been developed by the Secretary as required by subparagraph (4) of this Section 10004 or prior thereto, take any action necessary to allow for and facilitate the recirculation of water released for Restoration Flows directly by a Friant Division long-term contractor or combination of contractors that involves diversion of Restoration Flows from the San Joaquin River at any point below the Merced River, including but not limited to making application for change in points of diversion with the Water Resources Control Board of the State of California that may be required for such diversions, subject to subparagraphs (A)-(C) of subparagraph (4) of this Section 10004.

Text in Context: (New text in italics)

SEC. 10004. IMPLEMENTATION OF SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State’s agreement in 1 or more memoranda of understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary's use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of- Delta Central Valley Project contractors; and

(C) the Secretary's performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(6) Whether after a plan has been developed by the Secretary as required by subparagraph (4) of this Section 10004 or prior thereto, take any action necessary to allow for and facilitate the recirculation of water released for Restoration Flows directly by a Friant Division long-term contractor or combination of contractors that involves diversion of Restoration Flows from the San Joaquin River at any point below the Merced River, including but not limited to making application for change in points of diversion with the Water Resources Control Board of the State of California that may be required for such diversions, subject to subparagraphs (A)-(C) of subparagraph (4) of this Section 10004.

CVP Contractors O&M Burden As Result of 2014 Drought Relief – April-June 2014

Background

A looming financial crisis is developing among certain CVP contractors. There is a real possibility that the entire CVP Operations and Maintenance budget (approximately \$45 million) will be borne by a small number of CVP agricultural contractors as a result of the fact that little water will be delivered by the CVP in the 2013-14 Federal Fiscal Year.

The CVP-wide O&M costs are added up and assigned, through rate-setting procedures, to those CVP contractors (other than the Exchange Contractors) receiving water in any given year.

In “normal” water year, this process is fair – O&M reimbursement obligations are spread amongst the contractors based on the benefit received. Water Year 2014 is not normal.

Issues

- The shortages this year are as extreme as they have ever been
- Ag Declarations in most of the CVP are **zero**.
- O&M rate-setting is based on water delivered during a Federal Fiscal Year
- Water was allocated to South of Delta and Friant Division agricultural contractors in the 2013 Water Year (March - February), and some small amount of this water was actually delivered in the 2014 Fiscal Year.
- The small amount of deliveries in FY 2014 (from Water Year 2013), and no deliveries from Water Year 2014, combine to make the FY 2014 rate-setting pool the smallest it has ever been
- Contractors with zero allocations in 2014, and small amounts of carryover from 2013, will have to pay the majority of the Bureau’s 2014 operations costs and have little to no water to spread those costs out over

This reality has been acknowledged by the Bureau of Reclamation.¹ The **financial burden** for contractors in the Friant Division **will be crippling** and will take away from money available to districts to purchase water in wetter years, water that will be desperately need to recover from the current extreme drought conditions.

In 2014, a large portion of CVP water supplies were dedicated to the ‘public’ purpose of fish and wildlife protection, resulting in greatly reduced – or zero – water supplies for CVP agricultural water users. Yet, these agricultural users will have to bear the cost of operating the system for non-agricultural public purposes. Fairness demands that the public pay a share of those CVP operating costs.

¹ In a letter dated February 25, 2014, Mid-Pacific’s Regional Finance Manager announced the rates for water received during FY 2014-15 would be at least triple the ordinary rates – for example, the ultimate rate for delivered Class 1 Friant Division water will increase to \$60 per a.f. instead of the initially-estimated \$21 per a.f. – a tripling of the O&M costs to Contractor districts.

Impacts

For CVP contractors the impacts will be widely disproportionate to the water they delivered after October 2013 and are projected to deliver in 2014.

The final 2014 O&M rates could end up being **as much as five times higher** per acre-foot than what has been seen in the past and all this with very little water over which to collect the amount owed.

The table below shows past rates along with what could be if the current allocations and deliveries of CVP Ag O&M hold for 2014.

Final Ag O&M Rates (a/f)	
2008	\$19.02
2009	\$25.56
2010	\$15.97
2011	\$14.01
2012	\$20.09
2014 BOR Operation Budget Allocated to Ag	\$45,087,720
Estimated 2014 CVP O&M Deliveries (a/f)	400,000
Estimated 2014 CVP O&M Cost (a/f)	\$112.72
Cost to Lower Tule River ID	\$426,755.27
Cost to Terra Bella ID	\$563,596.50

Next Steps

Options for solutions; either require congressional action:

- *Make 2014 CVP O&M Costs Non-reimbursable under Reclamation Law*
- *Appropriate funds to be dedicated to 2014 O&M (\$25M) as non-reimbursable appropriations.*

Potential Language:

Option One: Make O&M Costs Non-reimbursable under Reclamation Law:

“No more than \$20 million of the costs incurred in Fiscal Year 2014-15 by the Bureau of Reclamation for the operation and maintenance of the Central Valley Project shall be reimbursable. The intent of this section is to reduce the total amount of Fiscal Year 2013-14 Operations and Maintenance costs of the Central Valley Project for which Central Valley Project long term contractors are liable for payment through water rates (including but not limited to water marketing, water storage and conveyance rate components), and the Secretary is directed to apply this section in whatever manner necessary, in consultation with long term contractors and the operator of the Central Valley Project through rate-setting procedures or otherwise, to effectuate this intent.”

Option Two: Appropriate funds to be dedicated to O&M reduction:

“There is appropriated, out of funds of the Treasury not otherwise appropriated, \$25,000,000 to the Secretary of the Interior to be dedicated in the Water Year that commences March 1, 2014, toward the Operations and Maintenance costs of the Central Valley Project, which costs would otherwise be subject to collection from long term contractors under the Reclamation Laws. The intent of this section is to reduce the total amount of Fiscal Year 2013-14 Operations and Maintenance costs of the Central Valley Project for which Central Valley Project long term contractors are liable for payment through water rates (including but not limited to water marketing, water storage and conveyance rate components), and the Secretary is directed to apply funds designated by this section in whatever manner necessary, in consultation with long term contractors and the operator of the Central Valley Project through rate-setting procedures or otherwise, to effectuate this intent. Such funds shall be non-reimbursable.”

H. R. 3964

AN ACT

To address certain water-related concerns in the Sacramento-San Joaquin Valley, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title- This Act may be cited as the 'Sacramento-San Joaquin Valley Emergency Water Delivery Act'.

(b) Table of Contents- The table of contents for this Act is as follows:
Sec. 1. Short title; table of contents.

TITLE I--CENTRAL VALLEY PROJECT WATER RELIABILITY

- Sec. 101. Amendment to purposes.
- Sec. 102. Amendment to definition.
- Sec. 103. Contracts.
- Sec. 104. Water transfers, improved water management, and conservation.
- Sec. 105. Fish, wildlife, and habitat restoration.
- Sec. 106. Restoration fund.
- Sec. 107. Additional authorities.
- Sec. 108. Bay-Delta Accord.
- Sec. 109. Natural and artificially spawned species.
- Sec. 110. Authorized service area.
- Sec. 111. Regulatory streamlining.
- Sec. 112. Warren Act contracts.
- Sec. 113. Additional Warren Act contracts.
- Sec. 114. Pilot Program to Protect Native Anadromous Fish in the Stanislaus River.
- Sec. 115. San Luis Reservoir.

TITLE II--SAN JOAQUIN RIVER RESTORATION

- Sec. 201. Repeal of the San Joaquin River settlement.

Sec. 202. Purpose.
Sec. 203. Definitions.
Sec. 204. Implementation of restoration.
Sec. 205. Disposal of property; title to facilities.
Sec. 206. Compliance with applicable law.
Sec. 207. Compliance with Central Valley Project Improvement Act.
Sec. 208. No private right of action.
Sec. 209. Implementation.
Sec. 210. Repayment contracts and acceleration of repayment of construction costs.
Sec. 211. Repeal.
Sec. 212. Water supply mitigation.
Sec. 213. Additional Authorities.

TITLE III--REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS

Sec. 301. Repayment contracts and acceleration of repayment of construction costs.

TITLE IV--BAY-DELTA WATERSHED WATER RIGHTS PRESERVATION AND PROTECTION

Sec. 401. Water rights and area-of-origin protections.
Sec. 402. Sacramento River settlement contracts.
Sec. 403. Sacramento River Watershed Water Service Contractors.
Sec. 404. No redirected adverse impacts.

TITLE V--MISCELLANEOUS

Sec. 501. Precedent.
Sec. 502. No effect on Proclamation of State of Emergency.
Sec. 503. Wild and Scenic Rivers Act.
Sec. 504. Fisheries disaster declaration.

TITLE I--CENTRAL VALLEY PROJECT WATER RELIABILITY

SEC. 101. AMENDMENT TO PURPOSES.

Section 3402 of the Central Valley Project Improvement Act (106 Stat. 4706) is amended--

- (1) in subsection (f), by striking the period at the end; and
- (2) by adding at the end the following:

` (g) to ensure that water dedicated to fish and wildlife purposes by this title is replaced and provided to Central Valley Project water contractors by December 31, 2018, at the lowest cost reasonably achievable; and
` (h) to facilitate and expedite water transfers in accordance with this Act.'.

SEC. 102. AMENDMENT TO DEFINITION.

Section 3403 of the Central Valley Project Improvement Act (106 Stat. 4707) is amended--

(1) by amending subsection (a) to read as follows:

` (a) the term `anadromous fish' means those native stocks of salmon (including steelhead) and sturgeon that, as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and their tributaries and ascend those rivers and their tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean;;

(2) in subsection (l), by striking `and,'

(3) in subsection (m), by striking the period and inserting ` ; and', and

(4) by adding at the end the following:

` (n) the term `reasonable flows' means water flows capable of being maintained taking into account competing consumptive uses of water and economic, environmental, and social factors.'.

SEC. 103. CONTRACTS.

Section 3404 of the Central Valley Project Improvement Act (106 Stat. 4708) is amended--

(1) in the heading, by striking `limitation on contracting and contract reform' and inserting `contracts'; and

(2) by striking the language of the section and by adding:

` (a) Renewal of Existing Long-Term Contracts- Upon request of the contractor, the Secretary shall renew any existing long-term repayment or water service contract that provides for the delivery of water from the Central Valley Project for a period of 40 years.

` (b) Administration of Contracts- Except as expressly provided by this Act, any existing long-term repayment or water service contract for the delivery of water from the Central Valley Project shall be administered pursuant to the Act of July 2, 1956 (70 Stat. 483).

` (c) Delivery Charge- Beginning on the date of the enactment of this Act, a contract entered into or renewed pursuant to this section shall include a provision that requires the Secretary to charge the other party to such contract only for water actually delivered by the Secretary.'.

SEC. 104. WATER TRANSFERS, IMPROVED WATER MANAGEMENT, AND CONSERVATION.

Section 3405 of the Central Valley Project Improvement Act (106 Stat. 4709) is amended as follows:

(1) In subsection (a)--

(A) by inserting before `Except as provided herein' the following: `The Secretary shall take all necessary actions to facilitate and expedite transfers of Central Valley Project water in accordance with this Act or any other provision of Federal reclamation law and the National Environmental Policy Act of 1969.';

(B) in paragraph (1)(A), by striking `to combination' and inserting `or combination';

(C) in paragraph (2), by adding at the end the following:

`(E) The contracting district from which the water is coming, the agency, or the Secretary shall determine if a written transfer proposal is complete within 45 days after the date of submission of such proposal. If such district or agency or the Secretary determines that such proposal is incomplete, such district or agency or the Secretary shall state with specificity what must be added to or revised in order for such proposal to be complete.

`(F) Except as provided in this section, the Secretary shall not impose mitigation or other requirements on a proposed transfer, but the contracting district from which the water is coming or the agency shall retain all authority under State law to approve or condition a proposed transfer.';

and

(D) by adding at the end the following:

`(4) Notwithstanding any other provision of Federal reclamation law--

`(A) the authority to make transfers or exchanges of, or banking or recharge arrangements using, Central Valley Project water that could have been conducted before October 30, 1992, is valid, and such transfers, exchanges, or arrangements shall not be subject to, limited, or conditioned by this title; and

`(B) this title shall not supersede or revoke the authority to transfer, exchange, bank, or recharge Central Valley Project water that existed prior to October 30, 1992 or that was provided by Section 10010 of Title X, Subtitle A, of the Act of March 30, 2009 (123 Stat. 1349), also referred to as the San Joaquin River Restoration Settlement Act.'.

(2) In subsection (b)--

(A) in the heading, by striking `METERING' and inserting `MEASUREMENT'; and

(B) by inserting after the first sentence the following: `The contracting district or agency, not including contracting districts serving multiple agencies with separate governing boards, shall ensure that all contractor-owned water delivery systems within its boundaries measure surface water at the district or agency's facilities up to the point the surface water is commingled with other water supplies.'.

(3) By striking subsection (d).

(4) By redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(5) By amending subsection (e) (as redesignated by paragraph (4))--

(A) by striking `as a result of the increased repayment' and inserting `that exceed the cost-of-service';

(B) by inserting `the delivery of' after `rates applicable to'; and

(C) by striking `, and all increased revenues received by the Secretary as a result of the increased water prices established under subsection 3405(d) of this section,'.

SEC. 105. FISH, WILDLIFE, AND HABITAT RESTORATION.

Section 3406 of the Central Valley Project Improvement Act (106 Stat. 4714) is amended as follows:

(1) In subsection (b)--

(A) in paragraph (1)(B)--

(i) by striking `is authorized and directed to' and inserting `may';

(ii) by inserting `reasonable water' after `to provide';

(iii) by striking `anadromous fish, except that such' and inserting `anadromous fish. Such';

(iv) by striking `Instream flow' and inserting `Reasonable instream flow';

(v) by inserting `and the National Marine Fisheries Service' after `United States Fish and Wildlife Service'; and

(vi) by striking `California Department of Fish and Game' and inserting `United States Geological Survey';

(B) in paragraph (2)--

(i) by striking `primary purpose' and inserting `purposes';

(ii) by striking `but not limited to' before `additional obligations'; and

(iii) by adding after the period the following: `All Central Valley Project water used for the purposes specified in this paragraph shall be credited to the quantity of Central Valley Project yield dedicated and managed under this paragraph by determining how the dedication and management of such water would affect the delivery capability of the Central Valley Project during the 1928 to 1934 drought period after fishery, water quality, and other flow and operational requirements imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing on October 30, 1992, have been met. To the fullest extent possible and in accordance with section 3411, Central Valley Project water dedicated and managed pursuant to this paragraph shall be reused to fulfill the Secretary's remaining contractual obligations to provide Central Valley Project water for agricultural or municipal and industrial purposes.';

(C) by amending paragraph (2)(C) to read:

`(C) If by March 15th of any year the quantity of Central Valley Project water forecasted to be made available to water service or repayment contractors in the Delta Division of the Central Valley Project is below 75 percent of the total quantity of water to be made available under said contracts, the quantity of Central Valley Project yield dedicated and managed for that year under this paragraph shall be reduced by 25 percent.'.

(2) By adding at the end the following:

`(i) SATISFACTION OF PURPOSES- By pursuing the activities described in this section, the Secretary shall be deemed to have met the mitigation, protection, restoration, and enhancement purposes of this title.'.

SEC. 106. RESTORATION FUND.

(a) In General- Section 3407(a) of the Central Valley Project Improvement Act (106 Stat. 4726) is amended as follows:

(1) By inserting `(1) IN GENERAL- ' before `There is hereby'.

(2) By striking `Not less than 67 percent' and all that follows through `Monies' and inserting `Monies'.

(3) By adding at the end the following:

` (2) Prohibitions- The Secretary may not directly or indirectly require a donation or other payment to the Restoration Fund--

` (A) or environmental restoration or mitigation fees not otherwise provided by law, as a condition to--

` (i) providing for the storage or conveyance of non-Central Valley Project water pursuant to Federal reclamation laws; or

` (ii) the delivery of water pursuant to section 215 of the Reclamation Reform Act of 1982 (Public Law 97-293; 96 Stat. 1270); or

` (B) for any water that is delivered with the sole intent of groundwater recharge.'.

(b) Certain Payments- Section 3407(c)(1) of the Central Valley Project Improvement Act is amended--

(1) by striking `mitigation and restoration';

(2) by striking `provided for or'; and

(3) by striking `of fish, wildlife' and all that follows through the period and inserting `of carrying out all activities described in this title.'.

(c) Adjustment and Assessment of Mitigation and Restoration Payments- Section 3407(d)(2) of the Central Valley Project Improvement Act is amended by inserting `, or after October 1, 2015, \$4 per megawatt-hour for Central Valley Project power sold to power contractors (October 2015 price levels)' after `\$12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project'.

(d) Completion of Actions- Section 3407(d)(2)(A) of the Central Valley Project Improvement Act is amended by inserting `no later than December 31, 2020,' after `That upon the completion of the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406 of this title,'.

(e) Report; Advisory Board- Section 3407 of the Central Valley Project Improvement Act (106 Stat. 4714) is amended by adding at the end the following:

` (g) Report on Expenditure of Funds- At the end of each fiscal year, the Secretary, in consultation with the Restoration Fund Advisory Board, shall submit to Congress a plan for the expenditure of all of the funds deposited into the Restoration Fund during the preceding fiscal year. Such plan shall contain a cost-effectiveness analysis of each expenditure.

` (h) Advisory Board-

` (1) ESTABLISHMENT- There is hereby established the Restoration Fund Advisory Board (hereinafter in this section referred to as the `Advisory Board') composed of 12 members selected by the Secretary, each for four-year terms, one of whom shall be designated by the Secretary as Chairman. The

members shall be selected so as to represent the various Central Valley Project stakeholders, four of whom shall be from CVP agricultural users, three from CVP municipal and industrial users, three from CVP power contractors, and two at the discretion of the Secretary. The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

` (2) DUTIES- The duties of the Advisory Board are as follows:

` (A) To meet at least semiannually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out pursuant to the Central Valley Project Improvement Act.

` (B) To ensure that any advice or recommendation made by the Advisory Board to the Secretary reflect the independent judgment of the Advisory Board.

` (C) Not later than December 31, 2015, and annually thereafter, to transmit to the Secretary and Congress recommendations required under subparagraph (A).

` (D) Not later than December 31, 2015, and biennially thereafter, to transmit to Congress a report that details the progress made in achieving the actions mandated under section 3406 of this title.

` (3) ADMINISTRATION- With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.'

SEC. 107. ADDITIONAL AUTHORITIES.

(a) Authority for Certain Activities- Section 3408(c) of the Central Valley Project Improvement Act (106 Stat. 4728) is amended to read as follows:

` (c) Contracts for Additional Storage and Delivery of Nonproject Water-

` (1) IN GENERAL- The Secretary is authorized to enter into contracts pursuant to Federal reclamation law and this title with any Federal agency, California water user or water agency, State agency, or private organization for the exchange, impoundment, storage, carriage, and delivery of nonproject water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose.

` (2) LIMITATION- Nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99-546 (100 Stat. 3051).

` (3) AUTHORITY FOR CERTAIN ACTIVITIES- The Secretary shall use the authority granted by this subsection in connection with requests to exchange, impound, store, carry, or deliver

nonproject water using Central Valley Project facilities for any beneficial purpose.

` (4) RATES- The Secretary shall develop rates not to exceed the amount required to recover the reasonable costs incurred by the Secretary in connection with a beneficial purpose under this subsection. Such rates shall be charged to a party using Central Valley Project facilities for such purpose. Such costs shall not include any donation or other payment to the Restoration Fund.

` (5) CONSTRUCTION- This subsection shall be construed and implemented to facilitate and encourage the use of Central Valley Project facilities to exchange, impound, store, carry, or deliver nonproject water for any beneficial purpose.'.

(b) Reporting Requirements- Section 3408(f) of the Central Valley Project Improvement Act (106 Stat. 4729) is amended--

(1) by striking ` Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries' and inserting ` Natural Resources';

(2) in the second sentence, by inserting before the period at the end the following: ` , including progress on the plan required by subsection (j)'; and

(3) by adding at the end the following: ` The filing and adequacy of such report shall be personally certified to the Committees referenced above by the Regional Director of the Mid-Pacific Region of the Bureau of Reclamation.'.

(c) Project Yield Increase- Section 3408(j) of the Central Valley Project Improvement Act (106 Stat. 4730) is amended as follows:

(1) By redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively.

(2) By striking ` In order to minimize adverse effects, if any, upon' and inserting ` (1) IN GENERAL- In order to minimize adverse effects upon'.

(3) By striking ` needs, the Secretary,' and all that follows through ` submit to the Congress, a' and inserting ` needs, the Secretary, on a priority basis and not later than September 30, 2015, shall submit to Congress a'.

(4) By striking ` increase,' and all that follows through ` options:' and inserting ` increase, as soon as possible but not later than September 30, 2018 (except for the construction of new facilities which shall not be limited by that deadline), the water of the Central Valley Project by the amount dedicated and managed for fish and wildlife purposes under this title and otherwise required to meet the purposes of the Central Valley Project including satisfying contractual obligations. The plan required by this subsection shall include recommendations on appropriate cost-sharing arrangements and authorizing legislation or other measures needed to implement the intent, purposes, and

provisions of this subsection and a description of how the Secretary intends to use the following options--'.

(5) In subparagraph (A), by inserting `and construction of new water storage facilities' before the semicolon.

(6) In subparagraph (F), by striking `and' at the end.

(7) In subparagraph (G), by striking the period and all that follows through the end of the subsection and inserting `; and'.

(8) By inserting after subparagraph (G) the following:

`(H) Water banking and recharge.'.

(9) By adding at the end the following:

`(2) IMPLEMENTATION OF PLAN- The Secretary shall implement the plan required by paragraph (1) commencing on October 1, 2015. In order to carry out this subsection, the Secretary shall coordinate with the State of California in implementing measures for the long-term resolution of problems in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

`(3) FAILURE OF THE PLAN- Notwithstanding any other provision of Federal reclamation law, if by September 30, 2018, the plan required by paragraph (1) fails to increase the annual delivery capability of the Central Valley Project by 800,000 acre-feet, implementation of any non-mandatory action under section 3406(b)(2) shall be suspended until the plan achieves an increase in the annual delivery capability of the Central Valley Project by 800,000 acre-feet.'.

(d) Technical Correction- Section 3408(h) of the Central Valley Project Improvement Act (106 Stat. 4729) is amended--

(1) in paragraph (1), by striking `paragraph (h)(2)' and inserting `paragraph (2)'; and

(2) in paragraph (2), by striking `paragraph (h)(i)' and inserting `paragraph (1)'.

(e) Water Storage Project Construction- The Secretary, acting through the Commissioner of the Bureau of Reclamation, may partner or enter into an agreement on the water storage projects identified in section 103(d)(1) of the Water Supply Reliability, and Environmental Improvement Act (Public Law 108-361)(and Acts supplemental and amendatory to the Act) with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments within the applicable hydrologic region, or with irrigation districts and other local water districts and joint powers authorities organized and existing pursuant to State law, to advance these projects. No additional Federal funds are authorized for the activities authorized in sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii), and 103(d)(1)(A)(iii) of Public Law 108-361. However, each water storage project under sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii), and 103(d)(1)(A)(iii) of Public Law 108-361 is authorized for construction if non-Federal funds are used for financing and constructing the project.

SEC. 108. BAY-DELTA ACCORD.

(a) Congressional Direction Regarding Central Valley Project and California State Water Project Operations- The Central Valley Project and the State Water Project shall be operated pursuant to the water quality standards and operational constraints described in the `Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government' dated December 15, 1994, and such operations shall proceed without regard to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other law pertaining to the operation of the Central Valley Project and the California State Water Project. Implementation of this section shall be in strict conformance with the `Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government' dated December 15, 1994.

(b) Application of Laws to Others- Neither a Federal department nor the State of California, including any agency or board of the State of California, shall impose on any water right obtained pursuant to State law, including a pre-1914 appropriative right, any condition that restricts the exercise of that water right in order to conserve, enhance, recover or otherwise protect any species that is affected by operations of the Central Valley Project or California State Water Project. Nor shall the State of California, including any agency or board of the State of California, restrict the exercise of any water right obtained pursuant to State law, including a pre-1914 appropriative right, in order to protect, enhance, or restore under the Public Trust Doctrine any public trust value. Implementation of the `Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government' dated December 15, 1994, shall be in strict compliance with the water rights priority system and statutory protections for areas of origin.

(c) Costs- No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, unless such costs are incurred on a voluntary basis.

(d) Native Species Protection- California law is preempted with respect to any restriction on the quantity or size of nonnative fish taken or harvested that preys upon one or more native fish species that occupy the Sacramento and San Joaquin Rivers and their tributaries or the Sacramento-San Joaquin Rivers Delta.

SEC. 109. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.

After the date of the enactment of this title, and regardless of the date of listing, the Secretaries of the Interior and Commerce shall not distinguish between natural-spawned and hatchery-spawned or

Commented [A1]: RECOMMENDED CHANGE (conceptual)

- *A limited scope "pilot project" that Congress deems to satisfy the Endangered Species Act*
 - *Unique to California and not precedential for any other area*
 - *Fixed time period based on appropriate scientific factors, such as hydrologic cycles and migratory fish returns*
 - *At least 12 year in duration with "right of renewal"*
 - *Offramps to prevent jeopardy*
- *Varies with hydrology so it's biologically defensible*
 - *Fish flows capped at a pre-determined percentage of total volume*
 - *Percentage varies with year type (Critical Low, Critical High, Dry, Normal Dry, Normal Wet, Wet)*
 - *Follows natural conditions*
 - *Consistent with CVP/SWP contractors' joint 50% proposal*
- *Makes use of the Best Scientific Data, as intended under the ESA*
 - *Improved monitoring to track species status during program*
 - *Reporting back to Congress at regular intervals*
 - *Much more transparent process, leading to better science*

otherwise artificially propagated strains of a species in making any determination under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that relates to any ~~anadromous~~ fish species present in the Sacramento and San Joaquin Rivers or their tributaries ~~and that~~ ascend those rivers and their tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean.

SEC. 110. AUTHORIZED SERVICE AREA.

The authorized service area of the Central Valley Project shall include the area within the boundaries of the Kettleman City Community Services District, California, as those boundaries exist on the date of the enactment of this title. Notwithstanding the provisions of the Act of October 30, 1992 (Public Law 102-575, 106 Stat. 4600 et seq.), upon enactment of this title, the Secretary is authorized and directed to enter into a long-term contract in accordance with the reclamation laws with the Kettleman City Community Services District, California, for the delivery of up to 900 acre-feet of Central Valley Project water for municipal and industrial use. The Secretary may temporarily reduce deliveries of the quantity of water made available pursuant to up to 25 percent of such total whenever reductions due to hydrologic circumstances are imposed upon agricultural deliveries of Central Valley Project water. If any additional infrastructure or related costs are needed to implement this section, such costs shall be the responsibility of the non-Federal entity.

SEC. 111. REGULATORY STREAMLINING.

~~(a) (a) Applicability of Certain Laws- Filing of a Notice of Determination or a Notice of Exemption for~~ For any project major federal action that is subject to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347) and that is also subject to the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, et seq.), including the issuance of or revisions of a permit issued under State law, related to ~~any project of~~ the CVP or the delivery of water therefrom.

(1) the filing at the California Office of Planning and Research of a Notice of Determination for the approval of a project for which an Environmental Impact Report, a Negative Declaration, or a Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act shall be deemed to meet the requirements of section 102(2)(C) of the National Environmental ~~Protection Policy~~ Act of 1969 (42 U.S.C. 4332(2)(C)) for that ~~project or permit federal action~~.

(2) the filing at the California Office of Planning and Research of a Notice of Exemption for the approval of a project for which the lead agency under the California Environmental Quality Act claims an exemption under California Water Code section 1729 or 10652, California Health and Safety Code section 116410 or 116415, or Sections 15284, 15301, 15302, 15303, 15304, 15306, 15309, 15312, 15319, 15327, 15328, or 15333 of Title 14 of the California Code of Regulations shall be deemed to meet the requirements of section 1508.4 of Title 40 of the Code of Federal Regulations, so that the federal action is categorically excluded from further review under the National Environmental Policy Act.

(b) Continuation of Project- The Bureau of Reclamation shall not be required to cease or modify any ongoing major Federal action or other activity related to any project of the CVP or the delivery of water there from pending completion of judicial review of any determination made under the National Environmental Protection Policy Act of 1969-~~(42 U.S.C. 4332(2)(C))~~.

~~(c) Project Defined For the purposes of this section:-~~

~~(1) CVP- The term "CVP" means the Central Valley Project.~~

~~(2) PROJECT- The term "project" --~~

~~(A) means an activity that --~~

~~(i) is undertaken by a public agency, funded by a public agency, or that requires an issuance of a permit by a public agency;~~

~~(ii) has a potential to result in physical change to the environment; and~~

~~(iii) may be subject to several discretionary approvals by governmental agencies;~~

~~(B) may include construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit; or~~

~~(C) as defined under the California Environmental Quality Act in section 21065 of the California Public Resource Code.~~

SEC. 112. WARREN ACT CONTRACTS.

(a) In General- Not later than 30 days after the date of the enactment of this Act, the Secretary of the Interior shall offer to the Oakdale Irrigation District and the South San Joaquin Irrigation District (hereafter in this section referred to as the "districts") a contract enabling the districts to collectively impound and store up to 200,000 acre-feet of their Stanislaus River water rights in the New Melones Reservoir in accordance with the terms and conditions of sections 1 through 3 of the Act of February 21, 1911 (43 U.S.C. 523-525;

commonly known as the `Warren Act'); provided that before offering any such contract, the Secretary has determined that the amount of water to be impounded and stored under the contract will not directly or indirectly result in any redirected adverse water supply or fiscal impacts to any Central Valley Project contractor related to the Secretary's operation of the Central Valley Project to meet legal obligations imposed by or through any State or Federal agency, including but not limited to those legal obligations emanating from the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.), the Water Pollution Control Act (33 U.S.C. 1251, et seq., commonly known as the `Clean Water Act' pursuant to the 1977 amendments, Public Law 95-217), and the Porter-Cologne Water Quality Control Act (Cal. Water Code 13000, et seq.).

(b) Terms and Conditions- The terms and conditions of any contract entered into under subsection (a) shall--

(1) be for a term of not less than 10 years; and (2) expressly provide that--

(A) the districts may use any water impounded and stored in the New Melones Reservoir for any legal purpose under California law, including use within the boundaries of either district, transfer to and reasonable and beneficial use by a person or entity not located within the boundaries of either district, and for instream use in the Stanislaus River, the San Joaquin River, or the Sacramento-San Joaquin River Delta; and

(B) any water impounded and stored by either district shall not be released or withdrawn if the end of month September storage level for New Melones Reservoir is projected to be equal to or below 300,000 acre-feet, but in such event the impounded and stored water shall be retained in the New Melones Reservoir for use by the districts in the following year, subject to the same 300,000 acre-foot minimum storage requirement, and without additional payment being required.

(c) Conservation Account- Any water impounded and stored in the New Melones Reservoir by either district under the contract shall not be considered or accounted as water placed in the districts' conservation account, as that account is defined and explained in the August 30, 1988 Stipulation and Agreement entered into by and between the Bureau of Reclamation and the districts.

SEC. 113. ADDITIONAL WARREN ACT CONTRACTS.

(a)) In General- Not later than 30 days after the date of the enactment of this Act, the Secretary of the Interior shall develop and offer to the Calaveras County Water District (hereafter in this section

referred to as the `CCWD') a contract enabling the CCWD to impound and store up to 100,000 acre-feet of their Stanislaus River water rights in the New Melones Reservoir in accordance with the terms and conditions of sections 1 through 3 of the Act of February 21, 1911 (43 U.S.C. 523-525; commonly known as the `Warren Act'). This stored water may be obtained for use by CCWD at a point, or points determined convenient to the District.

(b) Terms and Conditions- The terms and conditions of any contract entered into under subsection (a) shall--

(1) be for a term of not less than 10 years; and

(2) expressly provide that--

(A) the CCWD may use any water impounded and stored in the New Melones Reservoir for any legal purpose under California law, including use within the boundaries of the CCWD, transfer to and reasonable and beneficial use by a person or entity not located within the boundaries of CCWD, and for instream use in the Stanislaus River, the San Joaquin River, or the Sacramento-San Joaquin River Delta; and

(B) any water impounded and stored by either district shall not be released or withdrawn if the end of month September storage level for New Melones Reservoir is projected to be equal to or below 300,000 acre-feet, but in such event the impounded and stored water shall be retained in the New Melones Reservoir for use by the districts in the following year, subject to the same 300,000 acre-foot minimum storage requirement, and without additional payment being required.

SEC. 114. PILOT PROGRAM TO PROTECT NATIVE ANADROMOUS FISH IN THE STANISLAUS RIVER.

(a) Establishment of Non-native Predator Fish Removal Program- The Commissioner and districts, in consultation with the National Marine Fisheries Service, the United States Fish and Wildlife Service, and the California Department of Fish and Wildlife, shall jointly develop and conduct a pilot non-native predator fish removal program to remove non-native striped bass, smallmouth bass, largemouth bass, black bass, and other non-native predator fishes from the Stanislaus River. The pilot program shall--

(1) be scientifically based;

(2) include methods to quantify the number and size of predator fishes removed each year, the impact of such removal on the overall abundance of predator fishes, and the impact of such removal on the populations of juvenile anadromous fish found in the Stanislaus River by, among other things, evaluating the

number of juvenile anadromous fish that migrate past the rotary screw trap located at Caswell;

(3) use wire fyke trapping, portable resistance board weirs, and boat electrofishing, which are the most effective predator collection techniques that minimize affects to native anadromous fish;

(4) be developed, including the application for all necessary scientific research and species enhancement permits under section 10(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)), for the performance of the pilot program, not later than 6 months after the date of the enactment of this Act;

(5) be implemented on the first business day of the calendar year following the issuance of all necessary scientific research and species enhancement permits needed to begin the pilot program; and

(6) be implemented for a period of seven consecutive calendar years.

(b) Management- The management of the pilot program shall be the joint responsibility of the Commissioner and the districts. Such parties shall work collaboratively to insure the performance of the pilot program, and shall discuss and agree upon, among other things, changes in the structure, management, personnel, techniques, strategy, data collection, reporting and conduct of the pilot program.

(c) Conduct-

(1) IN GENERAL- At the election of the districts, the pilot program may be conducted by their own personnel, qualified private contractors hired by the districts, personnel of, on loan to, or otherwise assigned to the Bureau of Reclamation, or a combination thereof.

(2) PARTICIPATION BY THE BUREAU OF RECLAMATION- In the event the districts elect to conduct the program using their own personnel or qualified private contractors hired by them, the Commissioner has the option to assign an employee of, on loan to, or otherwise assigned to the Bureau of Reclamation, to be present for all activities performed in the field. Such presence shall insure compliance with the agreed upon elements specified in subsection (b). The districts shall pay 100 percent of the cost of such participation as specified in subsection (d).

(3) TIMING OF ELECTION- The districts shall notify the Commissioner of their election on or before October 15 of each calendar year of the pilot program, which election shall apply to the work performed in the subsequent calendar year.

(d) Funding-

(1) ANNUAL FUNDING- The districts shall be responsible for 100 percent of the cost of the pilot program. On or before December

1 of each year of the pilot program, the Commissioner shall submit to the districts an estimate of the cost to be incurred by the Bureau of Reclamation in the following calendar year, if any, including the cost of any data collection and posting under subsection (e). If an amount equal to the estimate is not provided to the reclamation fund identified in section 3 of the Act of February 21, 1911 (43 U.S.C. 525), or any other fund as directed by the Commissioner, by the districts on or before December 31 of each year, (a) the Bureau of Reclamation shall have no obligation to conduct the pilot program activities otherwise scheduled, and (b) the districts shall be prohibited from conducting any aspect of the pilot program, until full payment is made by the districts.

(2) ACCOUNTING- On or before September 1 of each calendar year, the Commissioner shall provide an accounting of the prior calendar year's expenses to the districts. If the estimate paid by the districts was less than the actual costs incurred by the Bureau of Reclamation, the districts shall have until September 30 of that calendar year to pay the difference to the reclamation fund. If the estimate paid by the districts was greater than the actual costs incurred by the Bureau of Reclamation, then a credit shall be provided to the districts, which shall be deducted from the estimate payment the districts must make for the work performed by the Bureau of Reclamation, if any, in the next calendar year.

(e) Reporting and Evaluation-

(1) IN GENERAL- On or before the 15th day of each month, the Commissioner shall post on the website of the Bureau of Reclamation a tabular summary of the raw data collected in the prior month.

(2) REPORT- On or before June 30 of the calendar year following the completion of the program, the Commissioner and districts shall jointly publish a peer reviewed report that--

(A) discusses the findings and conclusions of the pilot program;

(B) synthesizes the data collected under paragraph (1);
and

(C) makes recommendations for further study and action.

(f) Permits Process-

(1) Not later than 180 days after filing of an application by the Commissioner and the districts, the Secretary of the Interior, the Secretary of Commerce, or both, as appropriate, shall issue all necessary scientific research and species enhancement permits under section 10(a)(1) of the Endangered Species Act (16 U.S.C. 153(9)(a)(1)), for the performance of the pilot program.

(2) Any permit application that is not approved by the Secretary of the Interior, Secretary of Commerce, or both, as appropriate, for any reason, within 180 days after receiving the application, shall be deemed approved.

(3) All permits issued shall be in the name of the Bureau of Reclamation and the districts.

(4) Districts may delegate the authority to administer the permit authority to any qualified private contractor retained in accordance with subsection (c).

(5) The pilot program, including amendments thereto by the appropriate Federal and State agencies, shall constitute a conservation plan that complies with the requirements of section 10(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(2)).

(g) NEPA- Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to section 402 and the issuance of any permit under this subsection during the seven year period beginning on the date of the implementation of the pilot program.

(h) Restrictions- Any restriction imposed under California law on the catch, take, or harvest of any non-native or introduced aquatic or terrestrial species that preys upon anadromous fish and that occupies or is found in the Stanislaus River is hereby void and is preempted.

(i) Definitions- For the purposes of this section:

(1) ANADROMOUS FISH-

(A) The term `anadromous fish' as applied to the Stanislaus River and the operation of New Melones--

(i) means those native stocks of salmon (including steelhead) that--

(I) as of October 30, 1992 were present in and had not been extirpated from the Stanislaus River, and

(II) which ascend the Stanislaus River to reproduce after maturing in San Francisco Bay or the Pacific Ocean; and

(ii) does not mean any stock, strain or member of American shad, sockeye salmon, or striped bass.

(B) The definition of anadromous fish provided in section 3403(a) of the Central Valley Project Improvement Act (Public Law 102-575) shall not apply to the operation of New Melones Dam and Reservoir, or to any Federal action in the Stanislaus River.

(2) COMMISSIONER- The term `Commissioner' means the Commissioner of the Bureau of Reclamation.

(3) DISTRICTS- The term `districts' means the Oakdale Irrigation District and the South San Joaquin Irrigation District.

- (4) PILOT PROGRAM- The term `program' means the pilot non-native predator removal program established under this section.
- (j) Sunset- The authorities provided under this section shall expire seven years after the implementation of the pilot program.

SEC. 115. SAN LUIS RESERVOIR.

In connection with operations of the Central Valley Project, California, if San Luis Reservoir does not fill by the last day of February, the Secretary of the Interior shall permit any entity with an agricultural water service or repayment contract for the delivery of water from the Delta Division or the San Luis Unit to reschedule into the immediately following contract year (March 1 through the last day of February) any unused Central Valley Project water previously allocated for irrigation purposes. If water remaining in federal storage in San Luis Reservoir on the last day of February is insufficient to meet all rescheduling requests, the Secretary shall apportion, based on contract quantity, among all such contractors that request to reschedule water all water remaining in San Luis Reservoir on the last day of February. The Secretary shall thereafter make all reasonable efforts to make available additional rescheduled water; provided that such efforts shall not interfere with the Central Valley Project operations in the contract year into which Central Valley Project has been rescheduled.

~~TITLE II—SAN JOAQUIN RIVER RESTORATION~~

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~~SEC. 201. REPEAL OF THE SAN JOAQUIN RIVER SETTLEMENT.~~

~~As of the date of enactment of this title, the Secretary shall cease any action to implement the Stipulation of Settlement (Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., Eastern District of California, No. Civ. S 88-1658 LKK/GGH).~~

~~SEC. 202. PURPOSE.~~

~~Section 10002 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended by striking `implementation of the Settlement' and inserting `restoration of the San Joaquin River'.~~

~~SEC. 203. DEFINITIONS.~~

~~Section 10003 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended—~~

- ~~(1) by striking paragraph (1) and inserting the following:~~
- ~~–(1) The term `Restoration Flows' means the additional water released or bypassed from Friant Dam to insure that the target~~

flow entering Mendota Pool, located approximately 62 river miles downstream from Friant Dam, does not fall below 50 cubic feet per second.';

(2) by striking paragraph (3) and inserting the following:

“(3) The term ‘Water Year’ means March 1 through the last day of February of the following Calendar Year, both dates inclusive.’; and

(3) by adding at the end the following new paragraph:

“(4) The term ‘Critical Water Year’ means when the total unimpaired runoff at Friant Dam is less than 400,000 acre-feet, as forecasted as of March 1 of that water year by the California Department of Water Resources.’.

~~SEC. 204. IMPLEMENTATION OF RESTORATION.~~

Section 10004 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ‘authorized and directed’ and all that follows through ‘in the Settlement.’ and inserting ‘authorized to carry out the following.’;

(B) by striking paragraphs (1), (2), (4), and (5);

(C) in paragraph (3)—

(i) by striking ‘(3)’ and inserting ‘(1)’; and

(ii) by striking ‘paragraph 13 of the Settlement’ and inserting ‘this part’; and

(D) by adding at the end the following new paragraphs:

“(2) In each Water Year, commencing in the Water Year starting on March 1, 2015—

“(A) shall modify Friant Dam operations so as to release the Restoration Flows for that Water Year, except in any Critical Water Year;

“(B) shall ensure that the release of Restoration Flows are maintained at the level prescribed by this part, but that Restoration Flows do not reach downstream of Mendota Pool;

“(C) shall release the Restoration Flows in a manner that improves the fishery in the San Joaquin River below Friant Dam, but upstream of Gravelly Ford in existence as of the date of the enactment of this part, and the associated riparian habitat; and

“(D) may, without limiting the actions required under paragraphs (A) and (C) and subject to subsections 10004(a)(3) and 10004(l), use the Restoration Flows to enhance or restore a warm water fishery downstream of

Gravelly Ford to and including Mendota Pool, if the Secretary determines that it is reasonable, prudent, and feasible to do so; and

~~“(3) Not later than 1 year after the date of the enactment of this section, the Secretary shall develop and implement, in cooperation with the State of California, a reasonable plan, to fully recirculate, recapture, reuse, exchange, or transfer all Restoration Flows and provide such recirculated, recaptured, reused, exchanged, or transferred flows to those contractors within the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project that relinquished the Restoration Flows so recirculated, recaptured, reused, exchanged, or transferred. Such a plan shall address any impact on ground water resources within the service area of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project and mitigation may include ground water banking and recharge projects. Such a plan shall not impact the water supply or water rights of any entity outside the Friant Division, Hidden unit, and Buchanan Unit of the Central Valley Project. Such a plan shall be subject to applicable provisions of California water law and the Secretary's use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to this part) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors.”;~~

~~(2) in subsection (b)—~~

~~(A) in paragraph (1), by striking “the Settlement” and inserting “this part”; and~~

~~(B) in paragraph (2), by striking “the Settlement” and inserting “this part”;~~

~~(3) in subsection (c), by striking “the Settlement” and inserting “this part”;~~

~~(4) by striking subsection (d) and inserting the following:~~

~~“(d) Mitigation of Impacts—Prior to October 1, 2015, the Secretary shall identify—~~

~~“(1) the impacts associated with the release of Restoration Flows prescribed in this part;~~

~~“(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users, landowners and agencies as a result of Restoration Flows prescribed in this part; and~~

~~“(3) prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement this part, the Secretary shall implement all mitigations measures identified in subsection (d)(2) before Restoration Flows are commenced.”;~~

~~(5) in subsection (e), by striking 'the Settlement' and inserting 'this part';~~

~~(6) in subsection (f), by striking 'the Settlement' and all that follows through 'section 10011' and insert 'this part';~~

~~(7) in subsection (g)—~~

~~(A) by striking 'the Settlement and' before this part; and~~

~~(B) by striking 'or exchange contract' and inserting 'exchange contract, or water rights settlement or holding contracts';~~

~~(8) in subsection (h)—~~

~~(A) by striking 'Interim' in the header;~~

~~(B) in paragraph (1)—~~

~~(i) in the matter preceding subparagraph (A), by striking 'Interim Flows under the Settlement' and inserting 'Restoration Flows under this part';~~

~~(ii) in subparagraph (C)—~~

~~(I) in clause (i), by striking 'Interim' and inserting 'Restoration'; and~~

~~(II) in clause (ii), by inserting 'and' after the semicolon;~~

~~(iii) in subparagraph (D), by striking 'and' at the end; and~~

~~(iv) by striking subparagraph (E);~~

~~(C) in paragraph (2)—~~

~~(i) by striking 'Interim' and inserting 'Restoration';~~

~~(ii) by striking subparagraph (A); and~~

~~(iii) by striking '(B) exceed' and inserting 'exceed';~~

~~(D) in paragraph (3), by striking 'Interim' and inserting 'Restoration'; and~~

~~(E) by striking paragraph (4) and inserting the following:~~

~~'(4) CLAIMS—Within 60 days of enactment of this Act the Secretary shall promulgate a rule establishing a claims process to address current and future claims including, but not limited to, ground water seepage, flooding, or levee instability damages caused as a result of, arising out of, or related to implementation of subtitle A of title X of Public Law 111-11.';~~

~~(9) in subsection (i)—~~

~~(A) in paragraph (1)—~~

~~(i) in the matter preceding subparagraph (A), by striking 'the Settlement and parts I and III' and inserting 'this part';~~

~~(ii) in subparagraph (A), by inserting 'and' after the semicolon;~~

~~(iii) in subparagraph (B)—~~

~~(I) by striking 'additional amounts authorized to be appropriated, including the'; and~~

~~(H) by striking “; and” and inserting a period;
and~~

~~(iv) by striking subparagraph (C); and~~

~~(B) by striking paragraph (3); and~~

~~(10) by adding at the end the following new subsections:~~

~~“(k) No Impacts on Other Interests—No Central Valley Project or other water other than San Joaquin River water impounded by or bypassed from Friant Dam shall be used to implement subsection (a)(2) unless such use is on a voluntary basis. No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless such costs are incurred on a voluntary basis. The implementation of this part shall not result directly or indirectly in any reduction in water supplies or water reliability on any Central Valley Project contractor, any State Water Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless such reductions or costs are incurred on a voluntary basis.~~

~~“(l) Priority—All actions taken under this part shall be subordinate to the Secretary’s use of Central Valley Project facilities to make Project water available to Project contractors, other than water released from the Friant Dam pursuant to this part.~~

~~“(m) In General—Notwithstanding section 8 of the Reclamation Act of 1902, except as provided in this part, including title IV of the Sacramento and San Joaquin Valleys Water Reliability Act, this part preempts and supersedes any State law, regulation, or requirement that imposes more restrictive requirements or regulations on the activities authorized under this part. Nothing in this part shall alter or modify the obligations, if any, of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project, or other water users on the San Joaquin River or its tributaries, under orders issued by the State Water Resources Control Board pursuant to the Porter-Cologne Water Quality Control Act (California Water Code sections 13000 et seq.). Any such order shall be consistent with the congressional authorization for any affected Federal facility as it pertains to the Central Valley Project.~~

~~“(n) Project Implementation—Projects to implement this title shall be phased such that each project shall follow the sequencing identified below and include at least the—~~

~~“(1) project purpose and need;~~

~~“(2) identification of mitigation measures;~~

~~“(3) appropriate environmental review; and~~

~~“(4) prior to releasing Restoration Flows under this part, the Secretary shall—~~

~~“(A) complete the implementation of mitigation measures required; and~~

~~“(B) complete implementation of the project.”~~

~~SEC. 205. DISPOSAL OF PROPERTY, TITLE TO FACILITIES.~~

~~Section 10005 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended—~~

~~(1) in subsection (a), by striking “the Settlement authorized by this part” and inserting “this part”;~~

~~(2) in subsection (b)—~~

~~(A) in paragraph (1)—~~

~~(i) by striking “(1) IN GENERAL The Secretary” and inserting “The Secretary”; and~~

~~(ii) by striking “the Settlement authorized by this part” and inserting “this part”; and~~

~~(B) by striking paragraph (2); and~~

~~(3) in subsection (c)—~~

~~(A) in paragraph (1), by striking “the Settlement” and inserting “this part”;~~

~~(B) in paragraph (2)—~~

~~(i) by striking “through the exercise of its eminent domain authority”; and~~

~~(ii) by striking “the Settlement” and inserting “this part”; and~~

~~(C) in paragraph (3), by striking “section 10009(c)” and inserting “section 10009”;~~

~~SEC. 206. COMPLIANCE WITH APPLICABLE LAW.~~

~~Section 10006 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended—~~

~~(1) in subsection (a)—~~

~~(A) in paragraph (1), by inserting “unless otherwise provided by this part” before the period at the end; and~~

~~(B) in paragraph (2), by striking “the Settlement” and inserting “this part”;~~

~~(2) in subsection (b), by inserting “, unless otherwise provided by this part” before the period at the end;~~

~~(3) in subsection (c)—~~

~~(A) in paragraph (2), by striking “section 10004” and inserting “this part”; and~~

~~(B) in paragraph (3), by striking “the Settlement” and inserting “this part”; and~~

~~(4) in subsection (d)—~~

(A) by inserting ` , including without limitation to sections 10004(d) and 10004(h)(4) of this part,' after
`implementing this part'; and
(B) by striking ` for implementation of the Settlement'.

~~SEC. 207. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.~~

Section 10007 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended--

- (1) in the matter preceding paragraph (1),
 - (A) by striking ` the Settlement' and inserting ` enactment of this part'; and
 - (B) by inserting: ` and the obligations of the Secretary and all other parties to protect and keep in good condition any fish that may be planted or exist below Friant Dam including any obligations under section 5937 of the California Fish and Game Code and the public trust doctrine, and those of the Secretary and all other parties under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)' before ` , provided'; and
- (2) in paragraph (1), by striking ` , as provided in the Settlement'.

~~SEC. 208. NO PRIVATE RIGHT OF ACTION.~~

Section 10008(a) of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended--

- (1) by striking ` not a party to the Settlement' after ` person or entity'; and
- (2) by striking ` or the Settlement' before the period and inserting ` unless otherwise provided by this part. Any Central Valley Project long term water service or repayment contractor within the Friant Division, Hidden unit, or Buchanan Unit adversely affected by the Secretary's failure to comply with section 10004(a)(3) of this part may bring an action against the Secretary for injunctive relief or damages, or both.'.

~~SEC. 209. IMPLEMENTATION.~~

Section 10009 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended--

- (1) in the header by striking ` ; settlement fund';
- (2) in subsection (a)--
 - (A) in paragraph (1)--

- ~~(i) by striking `the Settlement' the first place it appears and inserting `this part';~~
 - ~~(ii) by striking `, estimated to total' and all that follows through `subsection (b)(1),';~~ and
 - ~~(iii) by striking `provided however,' and all that follows through `\$110,000,000 of State funds';~~
 - ~~(B) in paragraph (2)—~~
 - ~~(i) in subparagraph (A), by striking `(A) IN GENERAL The Secretary' and inserting `The Secretary';~~
 - ~~(ii) by striking subparagraph (B); and~~
 - ~~(C) in paragraph (3)—~~
 - ~~(i) by striking `Except as provided in the Settlement, to' and inserting `To'; and~~
 - ~~(ii) by striking `this Settlement' and inserting `this part';~~
- ~~(3) in subsection (b)(1)—~~
 - ~~(A) by striking `In addition' through `however, that the' and inserting `The';~~
 - ~~(B) by striking `such additional appropriations only in amounts equal to'; and~~
 - ~~(C) by striking `or the Settlement' before the period;~~
- ~~(4) in subsection (c)—~~
 - ~~(A) in paragraph (1)—~~
 - ~~(i) in the matter preceding subparagraph (A), by striking `the Settlement' and inserting `this part';~~
 - ~~(ii) in subparagraph (C), by striking `from the sale of water pursuant to the Settlement, or'; and~~
 - ~~(iii) in subparagraph (D), by striking `the Settlement' and inserting `this part';~~
 - ~~(B) in paragraph (2), by striking `the Settlement and' before `this part'; and~~
- ~~(5) by striking subsections (d) through (f).~~

~~SEC. 210. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.~~

Section 10010 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended—

- ~~(1) in subsection (a)—~~
 - ~~(A) in paragraph (3)(D), by striking `the Settlement and' before `this part'; and~~
 - ~~(B) in paragraph (4)(C), by striking `the Settlement and' before `this part';~~
- ~~(2) in subsection (c), by striking paragraph (3);~~

~~(3) in subsection (d)(1), by striking `the Settlement' in both places it appears and inserting `this part';~~

~~(4) in subsection (e)—~~

~~(A) in paragraph (1)—~~

~~(i) by striking `Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement' and inserting `Restoration Flows, pursuant to this part';~~

~~(ii) by striking `Interim Flows or' before `Restoration Flows'; and~~

~~(iii) by striking `the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement' and inserting `Restoration Flows'; and~~

~~(B) in paragraph (2)—~~

~~(i) by striking `except as provided in paragraph 16(b) of the Settlement' after `Friant Division long-term contractor'; and~~

~~(ii) by striking `the Interim Flows or Restoration Flows or to facilitate the Water Management Goal' and inserting `Restoration Flows'.~~

~~SEC. 211. REPEAL.~~

~~Section 10011 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is repealed.~~

~~SEC. 212. WATER SUPPLY MITIGATION.~~

~~Section 10202(b) of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended—~~

~~(1) in paragraph (1), by striking `the Interim or Restoration Flows authorized in part I of this subtitle' and inserting `Restoration Flows authorized in this part';~~

~~(2) in paragraph (2), by striking `the Interim or Restoration Flows authorized in part I of this subtitle' and inserting `Restoration Flows authorized in this part'; and~~

~~(3) in paragraph (3)—~~

~~(A) in subparagraph (A), by striking `meet the Restoration Goal as described in part I of this subtitle' and inserting `recover Restoration Flows as described in this part';~~

~~(B) in subparagraph (C)—~~

~~(i) by striking `the Interim or Restoration Flows authorized in part I of this subtitle' and inserting `Restoration Flows authorized in this part'; and~~

~~(ii) by striking ` , and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5)';~~

~~SEC. 213. ADDITIONAL AUTHORITIES.~~

~~Section 10203 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended--~~

~~(1) in subsection (b)--~~

~~(A) by striking `section 10004(a)(4)' and inserting `section 10004(a)(3)'; and~~

~~(B) by striking ` , provided' and all that follows through `section 10009(f)(2)'; and~~

~~(2) by striking subsection (c).~~

TITLE ~~IIII~~--REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS

SEC. ~~301~~201. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

(a) Conversion of Contracts--

(1) Not later than 1 year after enactment, the Secretary of the Interior, upon request of the contractor, shall convert all existing long-term Central Valley Project contracts entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to a contract under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(2) Upon request of the contractor, the Secretary is further authorized to convert, not later than 1 year after enactment, any Central Valley Project long-term contract entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (c)(1) of section 9 of said Act, under mutually agreeable terms and conditions.

(3) All contracts entered into pursuant to paragraph (1) shall--

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Irrigation Capital Allocations by Contractor, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2015, or if made in approximately equal annual installments, no later than January 31, 2018; such amount

to be discounted by the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2015, as adjusted, shall be provided by the Secretary of the Interior to each contractor no later than 180 days after enactment;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the converted contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law, provided that the reference to the amount of \$5,000,000 shall not be a precedent in any other context; and

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract.

(4) All contracts entered into pursuant to paragraph (2) shall--

(A) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2018. An estimate of the remaining amount of construction costs as of January 31, 2018, as adjusted, shall be provided by the Secretary of the Interior to each contractor no later than 180 days after enactment; and

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law, provided that the reference to the amount of \$5,000,000 shall not be a precedent in any other context.

(b) Final Adjustment- The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary of the Interior upon completion of the construction of the Central Valley Project. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be no less than 1 year and no more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary of the Interior is authorized and directed to credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(c) Applicability of Certain Provisions-

(1) Notwithstanding any repayment obligation under subsection (a)(3)(B) or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in subsection (a)(3)(A), the ownership and full-cost pricing limitations of any provision of Federal reclamation law shall not apply to lands in such district.

(2) Notwithstanding any repayment obligation under paragraph (3)(B) or paragraph (4)(B) of subsection (a), or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in paragraphs (3)(A) and (4)(A) of subsection (a), such contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to such repayment contracts pursuant to the then-current rate-setting policy and applicable law.

(d) Certain Repayment Obligations Not Altered- Implementation of the provisions of this section shall not alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project, or shift any costs that would otherwise have been properly assignable to any contractors absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other such contractors.

(e) Statutory Interpretation- Nothing in this part shall be construed to affect the right of any long-term contractor to use a particular type of financing to make the payments required in paragraph (3)(A) or paragraph (4)(A) of subsection (a).

(f) Definition of Treasury Rate- For purposes of this section, 'Treasury Rate' shall be defined as the 20-year Constant Maturity Treasury rate

published by the United States Department of the Treasury as of October 1, 2014.

**TITLE ~~IV~~ --BAY-DELTA WATERSHED WATER RIGHTS
PRESERVATION AND PROTECTION**

**SEC. ~~401301~~. WATER RIGHTS AND AREA-OF-ORIGIN
PROTECTIONS.**

Notwithstanding the provisions of this Act, Federal reclamation law, or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)--

(1) the Secretary of the Interior (‘ Secretary’) is directed, in the operation of the Central Valley Project, to strictly adhere to State water rights law governing water rights priorities ~~by honoring water rights senior to those belonging to the Central Valley Project, regardless of the source of priority;~~

(2) the Secretary is directed, in the operation of the Central Valley Project, to strictly adhere to and honor water rights ~~and other~~ priorities that are obtained or exist pursuant to the provisions of California Water Code sections 10505, 10505:5, 11128, 11460, and 11463; and sections 12200 to 12220, inclusive; and

(3) any action that affects the diversion of water or involves the release of water from any Central Valley Project water storage facility taken by the Secretary or the Secretary of the Department of Commerce to conserve, enhance, recover, or otherwise protect any species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be applied in a manner that is consistent with water right priorities established by State law and as set forth in El Dorado Irrig. Dist. v. State Water Resources Control Bd., 142 Cal. App. 4th 937 (2006).

**SEC. ~~402302~~. SACRAMENTO RIVER SETTLEMENT CONTRACTS
WITH SENIOR WATER RIGHTS HOLDERS.**

In the implementation of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), in the Bay-Delta and on the Sacramento River and on the San Joaquin River, the Secretary and the Secretary of Commerce are directed to apply any limitations on the operation of the Central Valley Project or to formulate any ‘reasonable prudent alternative’ associated with the operation of the Central Valley Project in a manner ~~that strictly adheres to and applies the water rights priorities for~~

(1) that strictly adheres to and applies the water rights priorities for 'Project Water' and 'Base Supply' provided for in the Sacramento River Settlement Contracts. Article 3(i) of the Sacramento River Settlement Contracts shall not be utilized by the United States as means to provide shortages to the Sacramento River Settlement Contracts that are different than those provided for in Article 5(a) of those contracts.

~~(1)~~(2) that strictly adheres to the Purchase Contract between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, Department of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company, and the Secretary shall apply the senior water right priority for Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company, consistent with the final judgment entered in *Westlands Water District v. United States of America*, 337 F.3d 1092, 1102 (9th Cir. 2003).

SEC. ~~403303~~. SACRAMENTO RIVER WATERSHED WATER SERVICE CONTRACTORS.

(a) In General- Subject to subsection (b) and the absolute priority of the Sacramento River Settlement Contractors to Sacramento River supplies over Central Valley Project diversions and deliveries to other contractors, the Secretary is directed, in the operation of the Central Valley Project, to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed in compliance with the following:

- (1) Not less than 100% of their contract quantities in a 'Wet' year.
- (2) Not less than 100% of their contract quantities in an 'Above Normal' year.
- (3) Not less than 100% of their contract quantities in a 'Below Normal' year.
- (4) Not less than 75% of their contract quantities in a 'Dry' year.
- (5) Not less than 50% of their contract quantities in a 'Critically Dry' year.

(b) Protection of Municipal and Industrial Supplies- Nothing in subsection (a) shall be deemed to: (i) modify any provision of a water service contract that addresses municipal and industrial water

shortage policies of the Secretary; (ii) affect or limit the authority of the Secretary to adopt or modify municipal and industrial water shortage policies; (iii) affect or limit the authority of the Secretary to implement municipal and industrial water shortage policies; or (iv) affect allocations to Central Valley Project municipal and industrial contractors pursuant to such policies. Neither subsection (a) nor the Secretary's implementation of subsection (a) shall constrain, govern or affect, directly or indirectly, the operations of the Central Valley Project's American River Division or any deliveries from that Division, its units or its facilities.

(c) Definitions- In this section:

(1) The term 'existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed' means water service contractors within the Shasta, Trinity, and Sacramento River Divisions of the Central Valley Project, that have a water service contract in effect, on the date of the enactment of this section, that provides water for irrigation.

(2) The year type terms used in subsection (a) have the meaning given those year types in the Sacramento Valley Water Year Type (40-30-30) Index.

SEC. ~~404~~304. NO REDIRECTED ADVERSE IMPACTS.

The Secretary shall insure that there are no redirected adverse water supply or fiscal impacts to those within the Sacramento River or San Joaquin River watershed or to the State Water Project arising from the Secretary's operation of the Central Valley Project to meet legal obligations imposed by or through any State or Federal agency, including, but not limited to those legal obligations emanating from the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or this Act, or actions or activities implemented to meet the twin goals of improving water supply or addressing environmental needs of the Bay Delta.

TITLE ~~IV~~V--MISCELLANEOUS

SEC. ~~504~~401. PRECEDENT.

Congress finds and declares that--

(1) coordinated operations between the Central Valley Project and the State Water Project, previously requested and consented to by the State of California and the Federal Government, require assertion of Federal supremacy to protect existing water rights throughout the system; and

(2) these circumstances are unique to California.
Therefore, nothing in this Act shall serve as precedent in any other State.

SEC. ~~502~~402. NO EFFECT ON PROCLAMATION OF STATE OF EMERGENCY.

Nothing in this Act shall affect in any way the Proclamation of State of Emergency and associated Executive Order issued by Governor Edmund G. Brown, Jr. on January 17, 2014, or the authorities granted thereby, including without limitation the authority of the California State Water Resources Control Board to modify any standards or operational constraints adopted to implement the 'Principles for on the Bay-Delta Standards Between the State of California and the Federal Government', dated December 15, 1994, so as to make additional irrigation and municipal and industrial water supplies available in the Central Valley Project and State Water Project service areas during the state of emergency.

SEC. ~~503~~403. WILD AND SCENIC RIVERS ACT.

(a) Wild and Scenic Rivers Act- Section 3(a)(62)(B)(i) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(62)(B)(i)) is amended--

(1) by striking 'the normal maximum' the first place that it appears and all that follows through 'April, 1990.' and inserting the following: 'the boundary of FERC Project No. 2179 as it existed on February 15, 2013, consisting of a point approximately 2,480 feet downstream of the confluence with the North Fork of the Merced River, consisting of approximately 7.4 miles.'; and

(2) by striking 'the normal maximum operating pool water surface level of Lake McClure' the second place that it appears and inserting 'the boundary of FERC Project No. 2179 as it existed on February 15, 2013, consisting of a point approximately 2,480 feet downstream of the confluence with the North Fork of the Merced River'.

(b) Exchequer Project- Section 3 of Public Law 102-432 is amended by striking 'Act' and all that follows through the period and inserting 'Act.'.

SEC. ~~504~~404. FISHERIES DISASTER DECLARATION.

The Proclamation of State Emergency and associated Executive order issued by Governor Edmund G. Brown, Jr. on January 17, 2014, shall be considered a request by the Governor for purposes of section 312(a) of the Magnuson-Stevens Fishery Conservation and

Management Act (16 U.S.C. 1861a) to determine that a fishery resource disaster exists for fisheries that originate in the State of California.

SEC. 5405. LIMITATION.

Nothing in this Act shall be deemed to repeal, alter, amend, or supersede any of the existing water rights or permits of the Central Valley Project, the priority of those water rights, or the result of the final judgment entered in *Westlands Water District v. United States of America*, 337 F.3d 1092, 1102 (9th Cir. 2003).

Passed the House of Representatives February 5, 2014

Explanation of Friant Water Authority suggested changes to Titles I, III, IV and V of H.R. 3964¹

Section 104. Water transfers, improved water management, and conservation

This section amends CVPIA to streamline the process for willing seller-based water transfers by CVP contractors and affirms the validity of transfers or banking arrangements that could have been conducted before enactment of the CVPIA.

This provision is beneficial to CVP contractors generally, although the San Joaquin River Restoration Settlement Act already exempts Friant from several of the CVPIA water transfer provisions addressed by H.R. 3964.

RECOMMENDED CHANGE

Insert language clarifying that the water transfer reforms of H.R. 3694 do not supersede or revoke water transfer benefits provided to Friant contractors in the Settlement Act.

Section 107. Additional authorities

Contracts for Additional Storage and Delivery of Water

This Subsection amends Section 3408(c) of the CVPIA by striking 'non-profit,' thereby expanding the authority of the Secretary to enter into conveyance, storage and similar contracts with all private entities; directs the Secretary to use authority granted in this subsection to exchange, impound, store, carry or deliver non-project water using CVP facilities.

RECOMMENDED CHANGE

Insert clarification that the section applies to 'nonproject' water

Water Storage Project Construction

This provision is intended to facilitate construction of the CALFED storage projects, including Temperance Flat. It authorizes the Secretary to partner with local joint powers authorities to advance surface water storage project studies authorized in by the CALFED Act, and authorizes each project for construction if non-federal funds are used for financing and construction.

As written, the provision may be read as applying only to local agencies formed specifically to partner with DOI on the projects.

RECOMMENDED CHANGE

Insert clarification that existing irrigation districts and water agencies and joint powers authorities may partner with DOI on the projects.

Section 108. Bay-Delta Accord

This section seeks to provide certainty and stability for Delta export supplies by directing that the CVP and the State Water Project (SWP) be operated in accordance with specific Biological Opinions. The provision states that if the projects are operated in a manner consistent with the Bay-Delta Accord; they have complied with all requirements of the Endangered Species Act.

The goal of Section 108 is the Friant Water Authority's highest legislative priority -- Assuring a reliable water supply can be obtained from the Delta so that the water supply disaster of 2014 is never repeated.

FWA staff have developed a concept to achieve the same goal as Section 108, but in a manner that will be more adaptable, transparent and predictable, and which may also gather greater support in Congress.

RECOMMENDED CHANGE (conceptual)

- ***A limited scope “pilot project” that Congress deems to satisfy the Endangered Species Act***
 - *Unique to California and not precedential for any other area*
 - *Fixed time period based on appropriate scientific factors, such as hydrologic cycles and migratory fish returns*
 - *At least 12 years in duration, with “right of renewal”*
 - *Offramps to prevent jeopardy*
- ***Varies with hydrology so it's biologically defensible***
 - *Fish flows capped at a pre-determined percentage of total volume*
 - *Percentage varies with year type (Critical Low, Critical High, Dry, Normal Dry, Normal Wet, Wet)*
 - *Follows natural conditions*
 - *Consistent with CVP/SWP contractors' joint 50/50 proposal for 2014*
- ***Makes use of the Best Scientific Data, as intended under the ESA***
 - *Improved monitoring to track species status during program*
 - *Reporting back to Congress at regular intervals*
 - *Much more transparent process, leading to better science*

This concept is being discussed with other CVP contractors and with Congressional offices, and specific legislative text has not yet been developed.

Section 109. Natural and artificially spawned species

This section specifically directs the Secretaries of the Interior and Commerce to not distinguish between natural-spawned and hatchery-spawned species when making any determinations under the Endangered Species Act (ESA) that relate to **anadromous** fish in the Sacramento and San Joaquin Rivers and their tributaries.

RECOMMENDED CHANGE

Delete “anadromous” from the provision so that it applies to all protected and potentially protected fisheries

Section 111. Regulatory streamlining

This section seeks to streamline federal and State of California environmental permitting regulations. It declares that a Notice of Determination or a Notice of Exemption prepared pursuant to the California Environmental Quality Act (CEQA) for a project or issuance of a permit related to a CVP water project will satisfy the requirements of the National Environmental Policy Act (NEPA).

As drafted, this provision may not be as useful as it could be to CVP contractors. It could be read to mean that a CEQA Notice of Exemption is deemed to satisfy the requirements of an Environmental Impact Statement under NEPA. That doesn't align the two statutes very well. The provision of NEPA that is most analogous to the CEQA exemption is the NEPA categorical exclusion.

RECOMMENDED CHANGE

Revise the provision to clarify the relationship between CEQA and NEPA actions; provide more specificity regarding affected state and federal laws and regulations; and clarify that the Bureau of Reclamation is not required to cease work on any proposed or ongoing action or activity related to the CVP or the delivery of CVP water pending a legal challenge based on NEPA.

Section 401. Water rights and area-of-origin protections

This section directs the Secretary, in the operation of the CVP, to strictly adhere to state water rights laws and priorities and to honor water rights senior to those held by the CVP. This section further directs the Secretary to strictly adhere to and honor water rights and priorities that were obtained or existed pursuant to various sections of California Water Code and ensures that the federal ESA is implemented in a manner that honors the priorities delineated in this section.

RECOMMENDED CHANGE

Insert clarifying language affirming that the CVP must honor water right priorities as established by State law and as set forth in El Dorado Irrig. Dist. v. State Water Resources Control Bd., 142 Cal. App. 4th 937 (2006).

Section 402. Sacramento River Settlement Contracts

This section directs the Secretary to apply any ESA limitations (as they relate to the operation of the CVP) in a manner that strictly adheres to and applies the water rights priorities for 'Project Water' and 'Base Supply' provided for in the Sacramento River Settlement Contracts.

RECOMMENDED CHANGES

- 1) Include **San Joaquin River** water rights priorities
- 2) Change the title of the subsection to: "CONTRACTS WITH SENIOR WATER RIGHTS HOLDERS"
- 3) Insert a requirement that the Secretary strictly adhere to the Exchange Contract and apply the water rights priority for the Exchange Contractors in a manner consistent with the final judgment entered in *Westlands Water District v. United States of America*, 337 F.3d 1092, 1102 (9th Cir. 2003)

TITLE V – MISCELLANEOUS

RECOMMENDED CHANGE

Add a new section:

SEC. 505. LIMITATION.

Nothing in this Act shall be deemed to repeal, alter, amend, or supersede any of the existing water rights or permits of the Central Valley Project, the priority of those water rights, or the result of the final judgment entered in *Westlands Water District v. United States of America*, 337 F.3d 1092, 1102 (9th Cir. 2003).

¹ Deletion of Title II would require renumbering of Titles III, IV and V

Congress of the United States
Washington, DC 20515

May 21, 2014

Chairman Harvey A. Bailey
Friant Water Authority
854 North Harvard Avenue
Lindsay, CA 93247



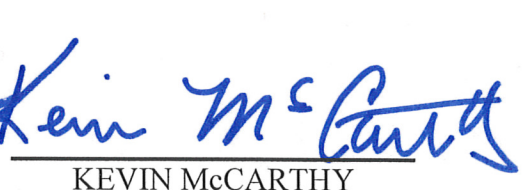
Dear Chairman Bailey:


Thank you for your letter encouraging legislative action to address the water crisis. It is important that the water community remain united in its support of measures that will bring about water reliability.

In your letter, you state there are provisions included in the House and Senate bills that are "clearly non-starters" for Friant. In order to assist us during negotiations on compromise legislation, we request that the Friant Board of Directors specify which items in each bill are "non-starters" and explain why these items will obstruct your overall goal of creating a reliable water supply that ensures the survival of orchards and farms even during droughts. This will ensure that those provisions can be changed or removed from a final compromise solution.

We look forward to your response.

Best regards,

		
KEN CALVERT	DEVIN NUNES	KEVIN McCARTHY
Member of Congress	Member of Congress	Member of Congress


DAVID G. VALADAO
Member of Congress

CC: Friant Water Authority Board of Directors
Ronald D. Jacobsma, General Manager, Friant Water Authority

From: Tom Birmingham
Sent: Thursday, June 19, 2014 1:16 PM
To: 'Amaral, Johnny'
CC: 'Nelson, Damon'; 'Marklund, Chris'
Subject: RE: Delta Smelt Listing

Johnny,

I have not been able to draft the letter you requested. If the basis to delist the Delta smelt is that it is not genetically distinct from the surf smelt, I believe it is important to have some scientific support on which to base the assertion, and I am waiting to hear back from experts in the field to provide that support. I hope to get the letter out tonight.

Tom

P.S.: I have copied Chris Marklund on this email because he has asked David Bernhardt for some report to cite when he is asked the question about the basis for this proposal.

From: Amaral, Johnny [mailto:Johnny.Amaral@mail.house.gov]
Sent: Thursday, June 19, 2014 12:03 PM
To: Tom Birmingham
Subject: FW: Delta Smelt Listing

I had Damon send this out so we can get the other members of the Valley delegation on record. Timing in key because the subcommittee may be taking it up early next week. Make sense?

From: Nelson, Damon
Sent: Thursday, June 19, 2014 2:59 PM
To: Marklund, Chris; Lombardi, Kyle; Eastman, Kevin; Larrabee, Jason; Berenter, Alexandra; Tudor, Chris
Cc: Eslick, Tal; Amaral, Johnny
Subject: Delta Smelt Listing

All,

We just finished drafting an option going forward on the Interior bill. Below is the language. Basically, it will temporarily delist the Delta smelt until a DNA study is done to determine the genetic difference between the Delta smelt and the Surf smelt. If it is determined that they are distinct genetically different species, then they can continue with the listing of the Delta smelt on the threatened or endangered list.

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Thanks

Damon

SEC. _____. Before the end of the 60-day period beginning on the date of enactment of this Act, the Secretary of the Interior shall issue a final rule removing the Delta smelt (*Hypomesus transpacificus*) from the list of threatened species under the Endangered Species Act, promulgated at 50 C.F.R. §17.11, without regard to any other provision of statute or regulation that applies to issuance of such rule; Provided further, if the Secretary conclusively determines, based entirely upon a mitochondrial DNA sequence data study, that the delta smelt (*Hypomesus transpacificus*) is so genetically

distinct it is a separate subspecies from the Surf smelt, (*Hypomesus pretiosus*), the Secretary may issue a subsequent final rule listing the delta smelt (*Hypomesus transpacificus*) as a threatened or endangered species.

Damon Nelson
Deputy Chief of Staff & Legislative Director
Congressman Devin Nunes
Office: (202) 225-2523

Office Mission To ensure our constituents and all Americans live free and prosperous lives in a healthy and safe environment by serving, communicating, protecting and representing them in a professional and caring manner.



From: Nelson, Damon
Sent: Thursday, June 19, 2014 1:23 PM
To: Tom Birmingham; Amaral, Johnny
CC: Marklund, Chris
Subject: RE: Delta Smelt Listing

Quick question. Since the smelt is listed on the CA ESA list, wouldn't the SWP folks want a state preemption? Wouldn't they say that since it is still listed on the state level, more water will be taken from them to keep water quality levels in the Delta?

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Thursday, June 19, 2014 4:16 PM
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Cc: Nelson, Damon; Marklund, Chris
Subject: RE: Delta Smelt Listing

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From: Tom Birmingham
Sent: Thursday, June 19, 2014 1:43 PM
To: Nelson, Damon
CC: Amaral, Johnny; Marklund, Chris
Subject: Re: Delta Smelt Listing

I suspect you're correct. The state contractors will have those concerns.

Sent from my iPhone

On Jun 19, 2014, at 1:23 PM, "Nelson, Damon" <Damon.Nelson@mail.house.gov> wrote:

Quick question. Since the smelt is listed on the CA ESA list, wouldn't the SWP folks want a state preemption? Wouldn't they say that since it is still listed on the state level, more water will be taken from them to keep water quality levels in the Delta?

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<image001.jpg>

From: Bernhardt, David L.

Sent: Tuesday, June 24, 2014 8:07 AM

To: Thomas W. (Tom) Birmingham Esq.; Joseph T. Findaro; 'Denny Rehberg'; Dennis Cardoza

Subject: Dem letter

Attachments: House D's Letter to DiFi and Boxer.pdf

FYI

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June 23, 2014

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

The Honorable Barbara Boxer
United States Senate
112 Hart Senate Office Building
Washington, DC 20510

Dear Senators Feinstein and Boxer:

We applaud you for your effort to produce workable solutions to California's statewide water shortages, and for your leadership in expediting state and federal agencies' response to the drought. The passage of S.2198 in the Senate has sent a strong message that California's drought requires the highest level of attention and continued action, and we hope to continue to work with you as we push for solutions. However, we are deeply concerned that it appears that negotiations with the House majority are being held out of the public eye. We believe the process by which Congress responds to this drought crisis should be transparent.

The House majority has already demonstrated their intention to irresponsibly override state water law and decades of federal protections for clean water, fisheries, and northern California tribes, farms, and cities – all to benefit a select few. The House-passed H.R. 3964 provides neither new resources nor useful tools, but instead undermines numerous state and federal laws, including: the Endangered Species Act, the Clean Water Act, the Central Valley Project Improvement Act, the San Joaquin River Restoration Settlement Act, and the California constitution and its public trust doctrine. We all agree that this would take California in the wrong direction, and the House majority's draft Energy & Water appropriations bill would continue this harmful approach. Our state cannot risk the negative repercussions of trying to reconcile the differences between H.R. 3964 and S. 2016. As the Los Angeles Times observed in their June 8th editorial, "a compromise between the two bills would be bad for California."

We believe Congress should focus on solutions, and we cannot accept the destructive Valadao-Nunes approach, which flouts state and federal law, will irreparably damage the Bay-Delta, degrade drinking water quality, and cost our state thousands of jobs. We strongly urge you to prioritize providing the resources and additional tools that California needs to respond to this and future droughts, as both H.R. 4239 and your original S. 2016 would have done. Although we still have concerns with a provision from S. 2016 that remains in S. 2198, we believe both S. 2016 and H.R. 4239 have important provisions in common that would: directly assist communities harmed by the drought, including farmworker and fishing communities; provide funding for emergency drought relief projects; expand funding for water recycling infrastructure, conservation, and efficiency projects that can be rapidly brought online; ensure that drought damages are properly recognized under the Stafford Act; and reduce wildfire risk. Not one of these priorities is addressed by H.R. 3964.

Since neither H.R. 3964 nor S. 2198 received a public hearing nor considered by committees in open session, and a formal conference process is not possible at this point, we strongly urge you to conduct any further negotiations in public, and to seek comment from the relevant state and

federal agencies, as well as tribes, recreational and commercial fishing interests, water managers, farms, counties, and cities. Our constituents are rightly concerned about a closed-door approach that picks winners and losers amid California's statewide drought, and they deserve a public discussion of the merits of the legislation being considered. The changes envisioned between both bills are so great, and there are so many stakeholders at risk, it would be a great disservice if these decisions were made without transparency and public input.

Thank you again for your leadership.

Sincerely,

JARED HUFFMAN

GEORGE MILLER

JOHN GARAMENDI

JERRY MCNERNEY

DORIS MATSUI

MIKE THOMPSON

From: Tom Birmingham
Sent: Tuesday, June 24, 2014 8:56 AM
To: 'Jason Peltier'
Subject: FW: Dem letter
Attachments: House D's Letter to DiFi and Boxer.pdf

-----Original Message-----

From: Bernhardt, David L. [<mailto:DBernhardt@BHFS.com>]
Sent: Tuesday, June 24, 2014 8:07 AM
To: Thomas W. (Tom) Birmingham Esq.; Joseph T. Findaro; 'Denny Rehberg'; Dennis Cardoza
Subject: Dem letter

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June 23, 2014

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United States Senate
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Thank you again for your leadership.

Sincerely,

JARED HUFFMAN

GEORGE MILLER

JOHN GARAMENDI

JERRY MCNERNEY

DORIS MATSUI

MIKE THOMPSON

From: Jason Peltier
Sent: Tuesday, June 24, 2014 9:00 AM
To: David Bernhardt
Subject: Fwd: Dem letter

Letter was not attached from Tom....

Begin forwarded message:

From: Tom Birmingham <tbirmingham@westlandswater.org>
Date: June 24, 2014 at 10:56:17 AM CDT
To: 'Jason Peltier' <jpeltier@westlandswater.org>
Subject: FW: Dem letter

-----Original Message-----

From: Bernhardt, David L. [<mailto:DBernhardt@BHFS.com>]
Sent: Tuesday, June 24, 2014 8:07 AM
To: Thomas W. (Tom) Birmingham Esq.; Joseph T. Findaro; 'Denny Rehberg'; Dennis Cardoza
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GEORGE MILLER

JOHN GARAMENDI

JERRY MCNERNEY

DORIS MATSUI

MIKE THOMPSON

From: Jason Peltier

Sent: Friday, June 27, 2014 6:07 AM

To: Tom Birmingham; Joe Findaro; Denny Rehberg; Dennis Cardoza; Cathrine Karen; David Bernhardt; Ed Manning; Carolyn Jensen (cjensen@ka-pow. com)

Subject: Flood of back room activity on drought legislation | 89.3 KPCC

<http://www.scpr.org/news/2014/06/26/44993/flood-of-back-room-activity-on-drought-legislation/>

From: Bernhardt, David L.
Sent: Monday, July 7, 2014 5:21 PM
To: kclark@westlandswater.org
Subject: The lunch

The lunch would be Wendsday.

David Bernhardt

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From: Tom Birmingham
Sent: Wednesday, July 9, 2014 10:45 AM
To: David L. Bernhardt
Subject: Fwd: Suggested technical edits from MWD on confidential staff draft bill language I gave you yesterday
Attachments: esa language management adjustment 7-9-14 draft_bjc bb (4).docx; Untitled attachment 28739.htm

Please print the document attached to John's email.

Sent from my iPhone

Begin forwarded message:

From: "Watts, John (Feinstein)" <John_Watts@feinstein.senate.gov>
Date: July 9, 2014 at 9:40:09 AM EDT
To: 'Tom Birmingham' <tbirmingham@westlandswater.org>
Subject: **Suggested technical edits from MWD on confidential staff draft bill language I gave you yesterday**

Tom, I am fine with these technical edits. Roger and his team are still thinking about the basic concept reflected in this approach and whether they have any suggested modifications to the approach or alternative suggestions.

Let me know if there is a good time for us to sit down to talk while you are in town.

Best,

John

(edit 7/8 2:21 pm)

Section _____. Adjusting Management Based on Updated Science.

- (a) OLD AND MIDDLE RIVER FLOWS. Beginning January 1, 2016, nothing in the biological opinion issued by the National Marine Fisheries Service issued June 4, 2009 or any successor biological opinion shall limit reverse flows in the Old and Middle Rivers to levels less negative than 5000 cubic feet per second, unless either

- 1) ~~The Secretary of Commerce finds in writing that the~~ Existing scientific studies considered collectively establish statistically significant evidence that reverse Old and Middle River flows of 5000 cubic feet per second cause substantially increased take of ~~natural origin~~ ~~either steelhead, natural origin genetic spring Chinook or genetic winter run Chinook~~ salmon smolts; or
- 2) The Secretary of Commerce, in consultation with the Secretary of the Interior, determines that limiting Old and Middle River flows to levels less negative than 5000 cubic feet per second for a defined period of time is necessary in order to avoid exceeding an applicable incidental take limit.

Commented [A1]:

Commented [A2]: Important that we distinguish hatchery produced steelhead which don't count towards "take"

Commented [A3]: Hatchery produced spring Chinook don't count towards take. Also it's important that this be spring Chinook verified by genetics (not by size criteria).

Commented [A4]: Hatchery winter Chinook DO count towards take. Genetics are necessary to distinguish winter Chinook from other races.

- (b) IMPORT-EXPORT RATIO. Beginning April 1, 2016, nothing in the biological opinion issued by the National Marine Fisheries Service issued June 4, 2009 or any successor biological opinion shall limit the ratio of water exports from the Delta in relation to water ~~inflows~~ ~~imports~~ from the San Joaquin River beyond what is required under the ~~Vernalis Adaptive Management Plan~~ ~~State Water Resources Control Board Decision D-1641~~ ~~or any successor plan~~, unless either

- 1) Existing scientific studies considered collectively establish statistically significant evidence that limiting water exports from the Delta in relation to water ~~inflows~~ ~~imports~~ from the San Joaquin River beyond what is required under ~~D-1641~~ ~~the Vernalis Adaptive Management Plan~~ ~~or any successor plan~~ is necessary to avoid substantially increased take of either steelhead, ~~natural origin genetic spring Chinook~~ or ~~genetic~~ winter run Chinook salmon smolts; or
- 2) The Secretary of Commerce, in consultation with the Secretary of the Interior, determines that imposing import-export ratio limits for a defined period of time is necessary in order to avoid exceeding an applicable incidental take limit.

Commented [A5]: VAMP was an experiment (that didn't work out very well), I'm not sure it's a good standard to use for future operations should be. We should discuss.

Commented [A6]: Same comment as above

- (c) EMERGENCY MEASURES TO AVOID JEOPARDY TO SPECIES.

- 1) IN GENERAL. Notwithstanding the provisions of subsections (a) and (b), the Secretary of Commerce, in consultation of the Secretary of the Interior, may limit reverse flows in the Old and Middle Rivers to levels less negative than 5000 cubic feet per second or

impose import-export limits for up to a two-week period.

- 2) WRITTEN DETERMINATION. The Secretary of Commerce may only impose the requirements in paragraph (1) if, after explicitly considering and quantifying to the extent possible any negative effects on water supplies, the Secretary determines in writing based on substantial evidence that such action is necessary to comply with the Endangered Species Act and implementing regulations to avoid jeopardy to species.
- 3) RENEWALS. The Secretary of Commerce may renew such limitations in consultation of the Secretary of the Interior for additional two-week periods based on the written determinations described in paragraph (2).
- 4) AUTHORITY NOT DELEGABLE. The Secretary of Commerce may not delegate the authority under this subsection to any other individual.

From: Sarah Woolf
Sent: Wednesday, July 9, 2014 11:08 AM
To: Tom & Wendy Birmingham
CC: Cannon Michael; Daniel Errotabere; Todd Neves
Subject: Re: Meeting

Tom,
Is there any chance David Bernhardt will be with you and could listen in as well? He has helped me with info for this group.

Sarah Woolf
Water Wise

██████████@██████████.
559 ██████████

On Jul 9, 2014, at 10:02 AM, Tom Birmingham <tbirmingham@westlandswater.org> wrote:

I expect to be on via telephone.

Sent from my iPhone

On Jul 9, 2014, at 9:18 AM, "Cannon Michael" <cannon@bfarm.com> wrote:

Tom,

I hope you are able to join us for meeting via phone. We need your input if possible. Thank you.

Sincerely,

Cannon Michael
Bowles Farming Company
209-752-7792 (Direct)

Please consider the Environment before printing this email.

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contained in this email are not given or endorsed by Bowles Farming Company, unless expressly stated to the contrary.

=====

On Mon, Jul 7, 2014 at 4:59 PM, Tom Birmingham

<tbirmingham@westlandswater.org> wrote:

I will be unable to participate in person, but will try to call in.

-----Original Message-----

From: Cannon Michael [mailto:cannon@bfarm.com]

Sent: Monday, July 07, 2014 4:42 PM

To: Ronald D. Jacobsma; Steve Chedester; Ara Azhderian; Tom Birmingham

Cc: Poole, Melissa; Brown, Kimberly; Paul Adams; Jim Nickel; Daniel

Errotabere; Sarah C. Woolf; Mark Watte; Loren Booth; Todd Neves; Sarah

Clark Woolf; Georgeanne White; Kent Stephens

Subject: Meeting

There will be a meeting at 3 pm on Wednesday, 7/9/14, at 1758 N. Fine Avenue in Fresno (the office of the California Cotton Growers and Ginners Association).

If you are unable to make the meeting in person, we have a call in line: [877-](tel:877-)

(no pin needed).

The purpose of the meeting is to discuss the House and Senate bills dealing with the water issues in California, that are currently being worked on in DC. While the two bills are very different in their approach, they do offer a window of opportunity to possibly better the water situation in the Valley. A united message from the water users is necessary if we want to take advantage of this opportunity.

We value your insight and expertise and welcome the opportunity to work with you on this effort. The goal will be to see if we can come up with a few priorities that we would like the legislators to work on with these bills. Thank you.

Sincerely,

Cannon Michael
Bowles Farming Company

From: Tom Birmingham
Sent: Wednesday, July 9, 2014 11:43 AM
To: Sarah Woolf
Subject: Re: Meeting

David will be on the call.

Sent from my iPhone

On Jul 9, 2014, at 2:07 PM, "Sarah Woolf" <[REDACTED]@[REDACTED].[REDACTED]> wrote:

Tom,
Is there any chance David Bernhardt will be with you and could listen in as well ? He has helped me with info for this group.

Sarah Woolf
Water Wise

[REDACTED]@[REDACTED].[REDACTED]
559-[REDACTED]

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Sent from my iPhone

On Jul 9, 2014, at 9:18 AM, "Cannon Michael" <cannon@bfarm.com> wrote:
< br>

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Thank you.

Sincerely,

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Sent: Monday, July 07, 2014 4:42 PM

To: Ronald D. Jacobsma; Steve Chedester; Ara Azhderian; Tom Birmingham

Cc: Poole, Melissa; Brown, Kimberly; Paul Adams; Jim Nickel; Daniel Errotabere; Sarah C. Woolf; Mark Watte; Loren Booth; Todd Neves; Sarah Clark Woolf; Georgeanne White; Kent Stephens

Subject: Meeting

There will be a meeting at 3 pm on Wednesday, 7/9/14, at 1758 N. Fine Avenue in Fresno (the office of the California Cotton Growers and Ginners Association). If you are unable to make the meeting in person, we have a call in line: [877-877-8777](tel:877-877-8777) (no pin needed).

The purpose of the meeting is to discuss the House and Senate bills dealing with the water issues in California, that are currently being worked on in DC. While the two bills are very different in their approach, they do offer a window of opportunity to possibly better the water situation in the Valley. A united message from the water users is necessary if we want to take advantage of this opportunity.

We value your insight and expertise and welcome the opportunity to work with you on this effort. The goal will be to see if we can come up with a few priorities that we would like the legislators to work on with these bills. Thank you.

Sincerely,

Cannon Michael
Bowles Farming Company

From: Weaver, Kiel

Sent: Thursday, July 10, 2014 10:11 AM

To: Birmingham, Thomas (tbirmingham@westlandswater.org); David Bernhardt

Subject: No meeting today with the Senate today. Hiccup on Lombardi's end. Rescheduled for tomorrow afternoon

*Kiel Weaver
Staff Director
House Water and Power Subcommittee
1522 Longworth HOB
Washington, DC 20515
kiel.weaver@mail.house.gov
202-225-8331*

From: Denny Rehberg

Sent: Friday, July 11, 2014 6:49 AM

To: Catherine Karen; Joseph T. Findaro; Dennis Cardoza; Tom Birmingham; David Longly Bernhardt

Subject: Scientists to forecast California drought impacts through 2016 at July 15 Newsmaker | National Press Club

Thought this might be of interest to the group

<http://press.org/news-multimedia/news/scientists-forecast-california-drought-impacts-through-2016-july-15-newsmaker>

.....

Mercury.

Denny Rehberg



From: Bernhardt, David L.
Sent: Friday, July 11, 2014 7:37 AM
To: 'Sarah Clark Woolf'; Sarah Woolf
Subject: Fwd: COS emails

Here you go:

Doug Lamalfa --- Chief of Staff: Mark Spannattel (mark.spannatel@mail.house.gov)

Paul Cooke --- Chief of Staff: John Sobel (john.sobel@mail.house.gov)

Tom McClintock --- Chief of Staff: Igor Birman (igor.birman@mail.house.gov)

Buck McKeon --- Chief of Staff: Alan Tennille (alan.tennille@mail.house.gov)

Gary Miller --- Chief of Staff: John Rothrock (john.rothrock@mail.house.gov)

Ed Royce --- Chief of Staff: Amy Porter (amy.porter@mail.house.gov)

Ken Calvert --- Chief of Staff: Dave Ramey (dave.ramey@mail.house.gov)

John Campbell --- Chief of Staff: Mussy Day (mussy.day@mail.house.gov)

Dana Rohrabacher --- Chief of Staff: Rick Dykema (rick.dykema@mail.house.gov)

Darrel Issa --- Chief of Staff: Dale Neugebauer (dale.neugebauer@mail.house.gov)

Duncan Hunter --- Chief of Staff: Vicki Middleton (vicki.middleton@mail.house.gov)

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From: Sarah Woolf
Sent: Friday, July 11, 2014 9:40 AM
To: Bernhardt, David L.
CC: Sarah Clark Woolf
Subject: Re: COS emails

I am sorry to be a pain, but I got 3 emails bounced back with bad address;
Dough Lamalfa
Ed Royce
John Campbell

Sarah Woolf
Water Wise

██████████@██████████:██████████
559-██████████

On Jul 11, 2014, at 7:37 AM, Bernhardt, David L. <DBernhardt@BHFS.com> wrote:

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From: Bernhardt, David L.
Sent: Friday, July 11, 2014 9:55 AM
To: 'Sarah Woolf'
CC: Sarah Clark Woolf
Subject: RE: COS emails

Ugg, let me get them

From: Sarah Woolf [mailto:██████████@██████████]
Sent: Friday, July 11, 2014 12:40 PM
To: Bernhardt, David L.
Cc: Sarah Clark Woolf
Subject: Re: COS emails

I am sorry to be a pain, but I got 3 emails bounced back with bad address;
Dough Lamalfa
Ed Royce
John Campbell

Sarah Woolf
Water Wise

██████████@██████████:██████████
559-██████████

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From: Bernhardt, David L.
Sent: Friday, July 11, 2014 10:38 AM
To: 'Sarah Clark Woolf'; Sarah Woolf
Subject: Fwd: COS emails

Here you go. I am sorry about the mix up.

Corrected and re-verified:

LaMalfa: Mark Spannagel (mark.spannagel@mail.house.gov)
Campbell: Muffy Day (muffy.day@mail.house.gov)
Royce: Amy Porter (amp@mail.house.gov)

From: Sarah Woolf [[mailto:\[REDACTED\]@\[REDACTED\].\[REDACTED\]](mailto:[REDACTED]@[REDACTED].[REDACTED])]
Sent: Friday, July 11, 2014 12:40 PM
To: Bernhardt, David L.
Cc: Sarah Clark Woolf
Subject: Re: COS emails

I am sorry to be a pain, but I got 3 emails bounced back with bad address;
Doug Lamalfa
Ed Royce
John Campbell

Sarah Woolf
Water Wise

[\[REDACTED\]@\[REDACTED\].\[REDACTED\]](mailto:[REDACTED]@[REDACTED].[REDACTED])
559-[REDACTED]

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From: Ara Azhderian

Sent: Thursday, July 17, 2014 8:59 AM

To: 'Tom Birmingham (Office)'; Dan Nelson; DCardoza@foley.com; David Bernhardt; Joe Findaro

Subject: FW: Update: Letter of Support for Water Legislation

Attachments: 140714_CentralValleyEmergencyDroughtReliefAct_Letter.pdf; Allied Growers Letter to CA Congressionals.pdf; Cal Cot Growers Memo.docx; CCGGA Template for Water_DF.docx; Copy of Email Contact List for Distributuion.xlsx; Water Legislation Letter - CCGGA.pdf

In case you hadn't seen these, expanding effort for support letters for legislation.

Best,
ara

From: Cannon Michael [mailto:cannon@bfarm.com]

Sent: Thursday, July 17, 2014 8:31 AM

To: Ara Azhderian; Aubrey J D Bettencourt; Chase Hurley; Chris Hurd; Chris White; Clare Foley; Dan Keppen; Dan Nelson; Daniel Errotabere; Dave Puglia; Dominic DiMare; Erik Hansen; Gayle Holman; Jennifer T. Buckman; Joel Nelsen; John Kabateck; Louie A Brown; Maria Gutierrez; Mario Santoyo; Martin McIntyre; Mike Henry; Mike Wade; Sarah Clark Woolf; Sean P. Geivet; Shawn Coburn; Steve Chedester; Susan Mussett; Tony Azevedo; Trudi Hughes; William Bourdeau; Roger A. Isom

Subject: Fwd: Update: Letter of Support for Water Legislation

Just wanted to make sure that you all had seen this effort from the CCGGA to help with pressure on the legislators working on the California water bills. Please feel to forward to others to continue the support and pressure. The more voices and diversity the better. There is a letter template as well as contact info for where to send - really makes it easy.

Our call is for 1:30 this afternoon. Hope you all can make it.

Now's the time to act! Send our letter today!

Currently, federal legislation is being drafted that can potentially help California with its short and long term water deficiency problems. Senate Bill S. 2198 and Assembly Bill H.R. 3964 have passed their respective houses and are now in conference.

Attached in this email is a letter template, and we encourage you to give a brief description of your current situation. With this description, we ask that you detail fallowed lands, jobs lost or potential for jobs lost caused

by drought. Along with the template, we have included the contact information for Valley representatives that way you can send in your letter to your district representative. We finally ask that you fax, email or mail a copy of your letter to our office, that way we have a copy of it as well.

Email: roger@ccgga.org

Fax: [559-251-4471](tel:559-251-4471)

Address: 1785 N. Fine Ave, Fresno, CA 93727

We are starting to see those letters and they are already making a difference. We have their attention, and now is the time to drive it home. Every single letter means something! If you have any questions or concerns, please feel free to contact Roger, Aimee or myself and we will be happy to assist you.

Sincerely,

Chris McGlothlin



CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

July 14, 2014

Dear Congressional Member,

As representatives of the Central Valley in the California State Legislature, we write to ask that during deliberations of the Emergency Drought Relief Act, you recognize the devastating effect that our current drought is having on the Valley and adopt principals that will prevent additional fallowing of farmland and assist in providing residents of the Valley and the State, as a whole, with a reliable food supply and safe drinking water.

So far this year, California has experienced more than 2,800 wildfires, our reservoirs are at record lows, and several communities have simply run out of safe drinking water. A study conducted by UC Davis predicts that "California's drought will deal a severe blow to Central Valley irrigated agriculture and farm communities this year and could cost the industry \$1.7 billion and cause more than 14,500 workers to lose their jobs."

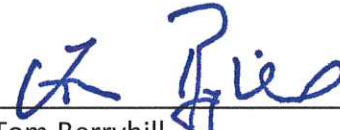
Working with farmers and other water stakeholders in the Valley, we have established the following principles, essential to providing a safe and reliable water supply and to reduce additional drought impacts:

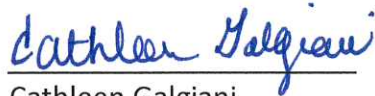
- Provide congressional direction concerning the operation of the Central Valley Project and the State Water Project to ensure sufficient operational flexibility in order to restore water supply and water supply reliability. The operators of these projects must be able to capture water from the Delta during periods of high flows and move water more reliably through the Delta without compromising it.
- Extend the provisions of any legislation for a period of time that will allow communities to establish sound long term water supplies for their future;
- Establish a process leading to increased storage in a reasonable timeframe;
- Ensure that additional burdens are not placed on the State Water Project as a result of congressional action; and
- Recognize that the reasonableness and efficacy of the San Joaquin River Restoration Program must be reevaluated in light of changed conditions since its authorization, including the reality of federal budget constraints.

Thank you for your diligent efforts to address the drought emergency in California. We appreciate your consideration of this request and trust that you will take the steps necessary to finalize the legislation to provide the residents of California and the Central Valley, in particular, with much needed relief. There is no time for delay. Emergency relief from Congress is needed now.


Sincerely,



Anthony Cannella
Senator, District 12



Tom Berryhill
Senator, District 14


Cathleen Galgiani
Senator, District 5


Jean Fuller
Senator, District 18


Andy Vidak
Senator, District 16


Connie Conway
Assemblymember, District 26


Adam Gray
Assemblymember, District 21


Kristin Olsen
Assemblymember, District 12


Frank Bigelow
Assemblymember, District 5

Sent to:

The Honorable Diane Feinstein
The Honorable Barbara Boxer
The Honorable Ken Calvert
The Honorable John Campbell
The Honorable Paul Cook
The Honorable Jim Costa
The Honorable Jeff Denham
The Honorable Duncan Hunter
The Honorable Darrell Issa
The Honorable Doug LaMalfa
The Honorable Kevin McCarthy
The Honorable Tom McClintock
The Honorable Buck McKeon
The Honorable Gary Miller
The Honorable Devin Nunes
The Honorable Dana Rohrabacher
The Honorable Ed Royce
The Honorable David Valadao

July 10, 2014

Dear Member of Congress,

We write in our individual capacities to thank each of you for the effort you have made to address the dire water situation facing the State of California. The passage of S. 2198, the Emergency Drought Relief Act out of the U.S. Senate, and H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act out of the U.S. House of Representatives, are significant and commendable milestones. The efforts you have taken are greatly appreciated. We are, however, acutely aware of the need for you to promptly resolve the differences between these bills before any legislation will become law. We also know that we are in urgent need of a change in law.

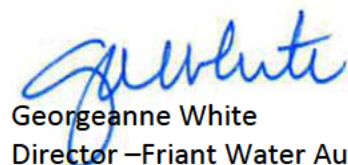
Therefore, we are asking each of you to work diligently and in good faith to bridge your differences. Failure will ensure that the current regulatory and policy regimes that were put in place to improve the health of the Delta and the Central Valley, but have actually done the opposite, will continue unchecked. As a result, more acreage will be fallowed further diminishing our ability to provide a safe and sustainable food supply and threatening our national security. In addition, the demands on food banks, existing high unemployment, the inability of families to pay utilities and stay in their homes, and the lack of job opportunity that already exists in disadvantaged communities will all be exacerbated.

To facilitate the resolution of your differences, we have come together to emphasize the concepts we believe are essential to any legislation that moves forward. To be meaningful, any bill must:

- Provide congressional direction concerning the operation of the Central Valley Project and the State Water Project to ensure sufficient operational flexibility to restore water supply and water supply reliability. The operators of these projects must be able to capture water from the Delta during periods of higher flows and move water from north to south in a rational way.
- Extend the provisions of any legislation for a period of time that will allow communities to establish sound long term water supplies for their future;
- Establish a process that could lead to increased storage in a reasonable timeframe;
- Ensure that additional burdens are not placed on the State Water Project as a result of congressional action; and
- Recognize that the reasonableness and efficacy of the San Joaquin River Restoration Program must be reevaluated in light of changed conditions since its authorization, including the reality of federal budget constraints.

We are optimistic that if you focus on addressing these concepts, you can resolve your differences in time to provide our communities the needed relief. It is time for you to move forward with policies that restore regulatory balance, achieve benefits, and improve the social, economic, and environmental health of much of California.

Respectfully,



Georgeanne White
Director – Friant Water Authority
Chief of Staff – City of Fresno



Kimberly Brown
Director of Water Resources – Paramount
Farming Company



Loren Booth
President – Booth Farms
Chair – Hills Valley Irrigation District
Chair – California AgLeadership Foundation



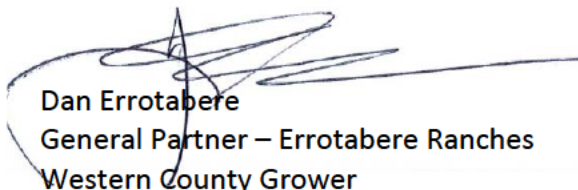
Cannon Michael
President – Bowles Farming
Director – San Luis Canal Company



Jim Nickel
President – Nickel Family
Treasurer – San Joaquin River Exchange
Contractors Water Authority



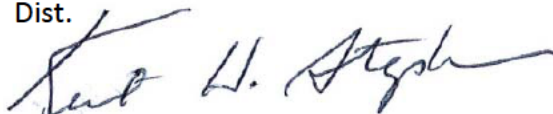
Mark Watte
Partner – Watte & Sons
Director – Friant Water Authority



Dan Errotabere
General Partner – Errotabere Ranches
Western County Grower



Paul Adams
Booth Farms
Wheeler Ridge Maricopa Water Storage
Dist.



Kent Stephens
Sec/CFO – Sunview Vineyards of California
Director – Friant Water Authority



Ashley Swearengin
Mayor – City of Fresno



Earl Perez
President – Perez Farms
Vice President – Del Puerto Water District
Board – California Processing Tomato
Advisory Board




Sarah Woolf
Partner – Clark Bros. Farming
Director – Westlands Water District



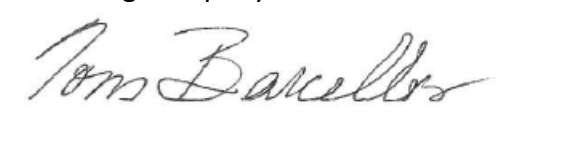
John Bennett
President – JFB Ranch
President – Panoche Water District



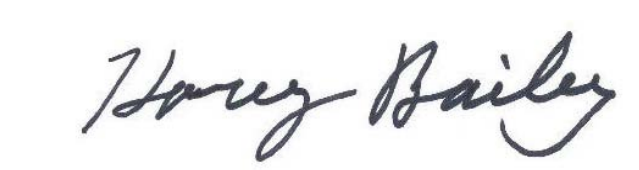
William D. Phillimore
Executive Vice President – Paramount
Farming Company



Mike Stearns
General Manger – Hammonds Ranch
Chairman – San Luis & Delta-Mendota
Water Authority



Tom Barcellos
T-Bar Dairy/Barcellos Farms
Director – Lower Tule River Irr. Dist.



Harvey Bailey
President Bailey Brothers Farming
Chairman – Friant Water Authority



Ted Page
Partner – Bookland Farms
President – Kern County Water Agency

Sent to:

The Honorable Diane Feinstein
The Honorable Barbara Boxer
The Honorable Kevin McCarthy
The Honorable Doug LaMalfa
The Honorable Tom McClintock
The Honorable Paul Cook
The Honorable Jeff Denham
The Honorable David Valadao
The Honorable Devin Nunes
The Honorable Howard McKeon
The Honorable Gary Miller
The Honorable Ed Royce
The Honorable Ken Calvert
The Honorable John Campbell
The Honorable Dana Rohrabacher
The Honorable Darrell Issa
The Honorable Duncan Hunter
The Honorable Jim Costa



California Cotton Growers Association

1785 N Fine Avenue
Fresno, CA 93727
Telephone: 559-252-0684
Fax: 559-252-0551

Memo

To: CCGA Members

Date: May 21, 2019

Subject: Water Legislation is Moving, We Need Your Help!

As you all know, the effects of the drought in California are becoming more apparent every day; specifically on the agricultural side. We have seen reductions in acreage across the state, as well as farming operations that must make in-season adjustments in order to remain productive. If these issues remain constant, the future of farming within California does not look good.

As representatives of the remaining cotton gins in California, we encourage you to inform your representatives of the issues, and the necessity to find a resolution. Attached to this is a formatted letter intended for your congressional representatives. The main focus of the letter is to show your support of water deficit-correction bills S. 2198 and H.R. 3964. These bills can play a role in resolving the critical water issue. The time to act is now.

Collectively, we can make a difference. Included in this email is a grower-made list of outlined concepts in a letter to help guide the legislation. Along with the outlining letter, we have attached a template for your completion. For the letter, CCGGA encourages you to include a couple sentences informing the representative of your site-specific situation. Details regarding *acres not farmed, jobs lost or inability to create new jobs due to the drought* are extremely important. This will help inform the representative of your operation, as well as personalize your circumstances. Please address these letters to your congressman and senators.

A contact list of representatives has been provided so your letters can be sent to your elected officials. Please email, fax, or mail CCGGA a copy of your letter for our records.

Email: roger@ccgga.org

Fax: 559-251-4471

Address: 1785 N. Fine Ave, Fresno, CA, 93727

July 16, 2014

Your Representative

<Address Line 1>

<Address Line 2>

Dear Your Representative,

Insert detailed information regarding your operation and the drought here (ex: we have fallowed 150 acres due to the drought this year). My business, _____ currently processes over _____ pounds of _____ a year and provides employment for over _____ people in the _____ area. We are writing this letter to you today on a matter that requires your urgent and diligent attention. As you well know, California is in a dire situation that grows worse with each day without rainfall. Reservoirs are substantially below average, wells are increasingly going dry, and as a result, more and more acres of prime agricultural land are going fallow. This year the tree nut industry began to remove trees, because on an unprecedented lack of water. Never has the water supply situation been so drastic.

The time to act is now. My business cannot handle the uncertainty that is now facing us. There can be no further delays, or indecision. The State of California needs both short term and long term solutions to its water deficit problems, and it is critical that Congress and the Senate come together right now. There is an opportunity to make a difference, and it sits in Congress. S. 2198 and H.R. 3964 are important pieces of legislation that can play a role in resolving this critical issue. We need you and your colleagues to work together in the remaining days of the legislative session to pass a unified and comprehensive bill.

Recently, a group of growers from several different areas and water districts in California came together to develop a list of concepts to help guide this legislation to a satisfactory solution (see attached letter). We support these concepts, and respectfully urge you to incorporate these guidelines in working together to come up with a final solution that helps to solve this state's debilitating water crisis.

Thank you for your time and consideration, and we look forward to your action on this critical matter.

Sincerely,

John Doe

Senator	Feinstein	Shelly James	Abajian Peterson
Senator	Boxer	Tom Ameen	Bohigian Khan
Congressman	McCarthy	Chris	Duncan
Congressman	Denham	Jason	Larrabee
		Carol	Kresse
Congressman	Valadao	Tal	Eslick
		Eric	Mello
Congressman	Nunes	jennifer	Morrow
		Johnny	Amaral
Congressman	Costa	Ian	LeMay
Congressman	Paul Cooke	John	Sobel
Congressman	McClintock	Igor	Birman
Congressman	McKeon	Alan	Tennille
Congressman	Gary Miller	John	Rothrock
Congressman	Calvert	Dave	Ramey
Congressman	Dana Rohrabacher	Rick	Dykema
Congressman	Darrel Issa	Dale	Neugebauer
Congressman	Duncan Hunter	Vicki	Middleton
Congresman	Doug Lamalfa		
Congressman	Ed Royce		
Congressman	John Campbell		

Shelly_Abajian@feinstein.senate.gov
James_Peterson@feinstein.senate.gov
scheduling@feinstein.senate.gov
Tom_Bohigian@boxer.senate.gov
Ameen_Khan@boxer.senate.gov
chris.duncan@mail.house.gov
Jason.larrabee@mail.house.gov
Carol.kresse@mail.house.gov
Tal.Eslick@mail.house.gov
Eric.mello@mail.house.gov
jennifer.morrow@mail.house.gov
johnny.amaral@mail.house.gov
ian.lemay@mail.house.gov
costadistrictschedule@mail.house.gov
john.sobel@mail.house.gov
igor.birman@mail.house.gov
alan.tennille@mail.house.gov
john.rothrock@mail.house.gov
dave.ramey@mail.house.gov
rick.dykema@mail.house.gov
dale.neugebauer@mail.house.gov
vicki.meddleton@mail.house.gov



1785 N. Fine Avenue
Fresno, CA 93727
Telephone: 559 / 252-0684
Fax: 559 / 252-0551

Letter sent to

Senators: Feinstein, Boxer

Congressman: McCarthy, Denham, Valadao, Nunes, Costa, Cooke, McClintock, McKeon, Miller, Calvert, Rohrbacher, Issa, Hunter, Lamalfa, Royce, Campbell

July 14, 2014

Dear _____,

On behalf of the over 800 cotton growers and 33 operating cotton gins in California representing the membership of the California Cotton Ginners and Growers Associations, we write to you on a matter requiring your urgent and diligent attention. As you well know, California is in a dire situation that grows worse with each day without rainfall. Reservoirs are substantially below average, wells are increasingly going dry, and as a result, more and more acres of prime agricultural land are going fallow. This year, cotton acreage in California was reduced by over 50,000 acres. Since the mid 2000's, several hundred thousand acres have been fallowed, and it is continuing to get worse.

The time to act is now. There can be no further delays, or indecision. The State of California needs both short term and long term solutions to its water deficit problems, and it is critical that Congress and the Senate come together right now. There is an opportunity to make a difference, and it sits in Congress. S. 2198 and H.R. 3964 are important pieces of legislation that can play a role in resolving this critical issue. We need you and your colleagues to work together in the remaining days of the legislative session to pass a unified and comprehensive bill.

Recently, a group of growers from several different areas and water districts in California came together to develop a list of concepts to help guide this legislation to a satisfactory solution (see attached letter). We support these concepts, and respectfully urge you to incorporate these guidelines in working together to come up with a final solution that helps to solve this state's debilitating water crisis.

Thank you for your time and consideration, and we look forward to your action on this critical matter.

Sincerely,

Roger A. Isom
President/CEO

From: Cannon Michael

Sent: Thursday, July 17, 2014 10:23 AM

To: Daniel Errotabere; Georgeanne White; James L. Nickel; Kent Stephens; Kimberly Brown; Loren Booth; Mark Watte; Melissa Poole; Paul Adams; Sarah Clark Woolf; Tom Barcellos

CC: Ronald D. Jacobsma; Jennifer T. Buckman; Tom Birmingham; Steve Chedester; David Longly Bernhardt; Nancy E Williams; Dennis Nuxoll; Dave Puglia; Roger A. Isom

Subject: Fwd: FW: CentralValley_WaterLtr_July2014.pdf

Attachments: CentralValley_WaterLtr_July2014.pdf

Just wanted you all to see the updated California legislator letter. Perea and Salas are now on the letter.

A big thanks to Roger Isom and the staff of the CCGGA for all their help. Western Growers as well. Everyone for that matter, but Roger should get a special nod.

The City of Los Banos and Gustine both sent letters as well as many others. A great showing of support.

Sincerely,

Cannon Michael
Bowles Farming Company
[209-752-7792](tel:209-752-7792) (Direct)

Please consider the Environment before printing this email.

=====

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=====

FYI. Attached is an updated letter demonstrating bipartisan support for our efforts to move federal water legislation. This will be forwarded to Congressional members as part of our continued pressure. We have received many letters to date (now in the hundreds), but we need more. If you have not sent your letters, please do so today. And please send us a copy of your letters...we need to know!

Thanks,

Roger

Roger A. Isom

President/CEO

Western Agricultural Processors Association

P: [\(559\)455-9272](tel:(559)455-9272)

C: [\(559\)269-7730](tel:(559)269-7730)

President/CEO

California Cotton Ginners & Growers Associations

P: [\(559\)252-0684](tel:(559)252-0684)

C: [\(559\)269-7730](tel:(559)269-7730)

1785 N. Fine Avenue

Fresno, CA 93727

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

July 14, 2014

Dear Congressional Member,

As representatives of the Central Valley in the California State Legislature, we write to ask that during deliberations of the Emergency Drought Relief Act, you recognize the devastating effect that our current drought is having on the Valley and adopt principals that will prevent additional fallowing of farmland and assist in providing residents of the Valley and the State, as a whole, with a reliable food supply and safe drinking water.

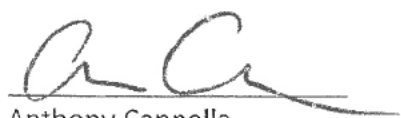
So far this year, California has experienced more than 2,800 wildfires, our reservoirs are at record lows, and several communities have simply run out of safe drinking water. A study conducted by UC Davis predicts that "California's drought will deal a severe blow to Central Valley irrigated agriculture and farm communities this year and could cost the industry \$1.7 billion and cause more than 14,500 workers to lose their jobs."

Working with farmers and other water stakeholders in the Valley, we have established the following principles, essential to providing a safe and reliable water supply and to reduce additional drought impacts:

- Provide congressional direction concerning the operation of the Central Valley Project and the State Water Project to ensure sufficient operational flexibility in order to restore water supply and water supply reliability. The operators of these projects must be able to capture water from the Delta during periods of high flows and move water more reliably through the Delta without compromising it.
- Extend the provisions of any legislation for a period of time that will allow communities to establish sound long term water supplies for their future;
- Establish a process leading to increased storage in a reasonable timeframe;
- Ensure that additional burdens are not placed on the State Water Project as a result of congressional action; and
- Recognize that the reasonableness and efficacy of the San Joaquin River Restoration Program must be reevaluated in light of changed conditions since its authorization, including the reality of federal budget constraints.

Thank you for your diligent efforts to address the drought emergency in California. We appreciate your consideration of this request and trust that you will take the steps necessary to finalize the legislation to provide the residents of California and the Central Valley, in particular, with much needed relief. There is no time for delay. Emergency relief from Congress is needed now.

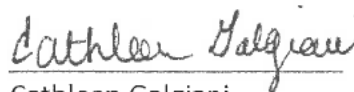
Sincerely,



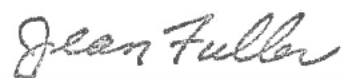
Anthony Cannella
Senator, District 12



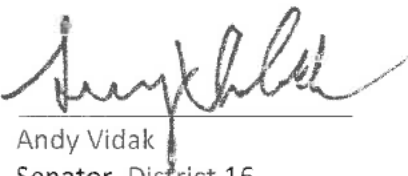
Tom Berryhill
Senator, District 14



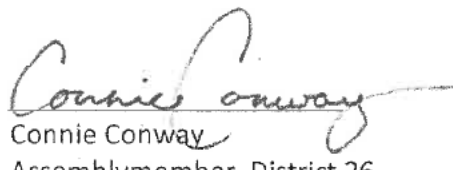
Cathleen Galgiani
Senator, District 5



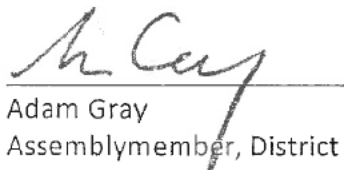
Jean Fuller
Senator, District 18



Andy Vidak
Senator, District 16



Connie Conway
Assemblymember, District 26



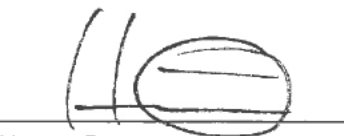
Adam Gray
Assemblymember, District 21




Kristin Olsen
Assemblymember, District 12



Frank Bigelow
Assemblymember, District 5



Henry Perea
Assemblymember, District 31



Rudy Salas
Assemblymember, District 32

Sent to:

The Honorable Diane Feinstein
The Honorable Barbara Boxer
The Honorable Ken Calvert
The Honorable John Campbell
The Honorable Paul Cook
The Honorable Jim Costa
The Honorable Jeff Denham
The Honorable Duncan Hunter
The Honorable Darrell Issa
The Honorable Doug LaMalfa
The Honorable Kevin McCarthy
The Honorable Tom McClintock
The Honorable Buck McKeon
The Honorable Gary Miller
The Honorable Devin Nunes
The Honorable Dana Rohrabacher
The Honorable Ed Royce
The Honorable David Valadao

From: DCardoza@foley.com
Sent: Friday, July 18, 2014 7:59 AM
To: Karen, Catherine
CC: Bernhardt, David L.; joe.findaro@akerman.com; 'Denny Rehberg' (DRehberg@mercuryllc.com); Tom Birmingham
Subject: Re: Rough Faq

The calls were removed from my schedule by my assistant. I thought they were canceled. So sorry. I will get to the bottom of this.
Dennis

Congressman Dennis A. Cardoza
Foley & Lardner LLP
Suite 600
3000 K Street, NW<x-apple-data-detectors://0/0>
Washington, DC 20007-5109<x-apple-data-detectors://0/0>
Phone: 202.295-4015
Fax: 202.672.5399<tel:202.672.5399>
Email: dcardoza@foley.com<<mailto:dcardoza@foley.com>>

Sent from my iPhone

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On Jul 18, 2014, at 10:42 AM, "Karen, Catherine" <ckaren@sidley.com<<mailto:ckaren@sidley.com>>> wrote:

Got it thanks. Next time I know to stay on.

CATHERINE KAREN
Counsel

Sidley Austin LLP
+1.202.736.8368
ckaren@sidley.com<<mailto:ckaren@sidley.com>>

From: Bernhardt, David L. [<mailto:DBernhardt@BHFS.com>]
Sent: Friday, July 18, 2014 10:39 AM
To: Karen, Catherine; Dennis Cardoza (dcardoza@foley.com<<mailto:dcardoza@foley.com>>); joe.findaro@akerman.com<<mailto:joe.findaro@akerman.com>>; 'Denny Rehberg' (DRehberg@mercuryllc.com<<mailto:DRehberg@mercuryllc.com>>)
Subject: RE: Rough Faq

Yes, it started 5 minutes late.

From: Karen, Catherine [<mailto:ckaren@sidley.com>]

Sent: Friday, July 18, 2014 10:36 AM
To: Bernhardt, David L.; Dennis Cardoza (dcardoza@foley.com<<mailto:dcardoza@foley.com>>);
joe.findaro@akerman.com<<mailto:joe.findaro@akerman.com>>; 'Denny Rehberg'
(DRehberg@mercuryllc.com<<mailto:DRehberg@mercuryllc.com>>)
Subject: RE: Rough Faq

Hi,
Was there a pre-call – I called in but no one was on the phone. I used the number that we use every week.

CATHERINE KAREN
Counsel

Sidley Austin LLP
+1.202.736.8368
ckaren@sidley.com<<mailto:ckaren@sidley.com>>

From: Bernhardt, David L. [<mailto:DBernhardt@BHFS.com>]
Sent: Friday, June 27, 2014 10:27 AM
To: Dennis Cardoza (dcardoza@foley.com<<mailto:dcardoza@foley.com>>);
joe.findaro@akerman.com<<mailto:joe.findaro@akerman.com>>; 'Denny Rehberg'
(DRehberg@mercuryllc.com<<mailto:DRehberg@mercuryllc.com>>); Karen, Catherine
Subject: Rough Faq

Per the call this am.

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From: Dennis Cardoza
Sent: Thursday, July 24, 2014 5:45 PM
To: tbirmingham@westlandswater.org
CC: Joe Findaro; David Longly Bernhardt
Subject: Friday call

I am on a 6am flight from Sacramento to Salt Lake City. Will try to get on as soon as I land. Layover is one hour. Dennis

Sent from my iPhone

From: Tom Birmingham
Sent: Thursday, July 24, 2014 8:13 PM
To: Watts, John (Feinstein)
CC: Bernhardt, David L.; Burman, Brenda W
Subject: Re: Suggested edit to language on i/e ratio

This is a good addition.

Sent from my iPhone

On Jul 24, 2014, at 4:16 PM, "Watts, John (Feinstein)" <John.Watts@feinstein.senate.gov> wrote:

I think adding the phrase in all caps below at the end of subparagraph B) better achieves what you are trying to do. Agreed?

- 1) Beginning April 1, 2016, in relation to the provisions limiting the ratio of water exports from the Delta in relation to flow in the San Joaquin River beyond what is required under the State Water Resources Control Board Decision D-1641 pursuant to the salmonid biological opinion and any successor biological opinion, the Secretary shall:

A) Consider the relevant provisions in the biological opinion and other relevant data;
and

B) Articulate an explanation, including of the data examined and the connection between those data and the choice made, why a limitation beyond that required under the State Water Resources Control Board Decision D-1641 in the short-term is necessary to avoid jeopardy as a prerequisite to continuing Action IV.2.3 of the salmonid biological opinion OR ANY EQUIVALENT SUCCESSOR PROVISION.

From: Tom Birmingham
Sent: Sunday, July 27, 2014 7:41 PM
To: 'Watts, John (Feinstein)'
CC: 'Bernhardt, David L.'
Subject: No Redirected Impacts

John,

Stuart Somach has not agreed to this language, but it is based on language in the House bill:

SEC. ____ . NO REDIRECTED ADVERSE IMPACTS.

The Secretary shall ensure that in the implementation of this Act there are no redirected adverse water supply or fiscal impacts to those within the Sacramento River or San Joaquin River watershed, except as provided in a water service or repayment contract, or to the State Water Project arising from the Secretary's operation of the Central Valley Project to meet legal obligations imposed by or through any State or Federal agency, including, but not limited to those legal obligations emanating from the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or this Act.

Tom

From: Leeper, Elizabeth

Sent: Monday, July 28, 2014 12:48 PM

To: jsb@pacificlegal.org; Robert.Byrne@doj.ca.gov; CCarr@mofo.com; melissa.cushman@bbklaw.com; bdavis@bwdlawgroup.com; michael.edson@doj.ca.gov; mfitzgerald@bhfs.com; paeter.garcia@bbklaw.com; Allison.Goldsmith@doj.ca.gov; tgoldstein@goldsteinrussell.com; agonzalez@mofo.com; Jay.Govindan@usdoj.gov; mrh@pacificlegal.org; Cliff.Lee@doj.ca.gov; steven.martin@bbklaw.com; LMasouredis@mwdh2o.com; james.a.maysonett@usdoj.gov; ameliam@kcwa.com; robert.oakley@usdoj.gov; robert.oakley@usdoj.gov; dobegi@nrdc.org; torr@earthjustice.org; kpooole@nrdc.org; aremillard@nossaman.com; krussell@goldsteinrussell.com; dms@pacificlegal.org; charles.scott@nortonrosefulbright.com; mscully@mwdh2o.com; wsloan@mofo.com; rthornton@nossaman.com; gtorgun@earthjustice.org; Gregory.Wilkinson@BBKlaw.com; robert.p.williams@usdoj.gov; tom@aqualawyers.com; steve.anderson@bbklaw.com; Weiland, Paul S.
CC: O'Hanlon, Daniel; Akroyd, Rebecca; Walter, Hanspeter; ediepenbrock@diepenbrock.com; Jon Rubin; Craig Manson; tbirmingham@westlandswater.org; ddiepenbrock@diepenbrock.com; emd@diepenbrock.com; ssims@bhfs.com; mmathews@bhfs.com; rsmith@bhfs.com; gwilliamson@bhfs.com; Bernhardt, David L.; jmarz@diepenbrock.com

Subject: San Luis & Delta Mendota Water Authority et al. v. Jewell (9th Circuit Case 11-15871) - Motion For Stay Of Mandate

Counsel,

Please be advised that appellees/cross-appellants San Luis & Delta Mendota Water Authority and Westlands Water District intend to file a motion for stay of the mandate in the above-entitled case (companion case with cases 11-16617, 11-16621, 11-16623, 11-16624, 11-16660 and 11-16662) tomorrow, the 29th of July.

If possible, please respond with your client's position regarding such a motion by 2 p.m. tomorrow.

Thank you,

Elizabeth Leeper

Elizabeth Leeper

Attorney at Law



400 Capitol Mall, 27th Floor
Sacramento, CA 95814

T	916.321.4500
D	916.321.4517
F	916.321.4555

eleeper@kmtg.com
www.kmtg.com

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From: joe.findaro@akerman.com

Sent: Monday, July 28, 2014 2:15 PM

To: ckaren@sidley.com; cmanson@westlandswater.org; dbernhardt@bhfs.com; dcardoza@foley.com; drehberg@mercuryllc.com; [REDACTED]@ [REDACTED] [REDACTED] emanning@ka-pow.com; gholman@westlandswater.org; jpeltier@westlandswater.org; [REDACTED]@ [REDACTED] [REDACTED] TBirmingham@westlandswater.org

Subject: FW: FINAL Washington Schedule -- Rep. Nunes TONIGHT 7:30

Attachments: San Joaquin Valley Growers Schedule FINAL.docx

Importance: High

FYI

[vCard](#) | [Bio](#)



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From: Joe Raeder [mailto:JRaeder@tfgnet.com]

Sent: Monday, July 28, 2014 5:10 PM

To: [REDACTED]@ [REDACTED] [REDACTED] [REDACTED]@ [REDACTED] [REDACTED] [REDACTED]@ [REDACTED] [REDACTED] Cannon Michael; Mark Watte ([REDACTED]@ [REDACTED] [REDACTED] 'Daniel Errotabere'; [REDACTED]@ [REDACTED] [REDACTED])

Cc: Ronald D. Jacobsma; 'Steve Chedester'; Nancy Williams; Findaro, Joe (OC-DC); Dennis Nuxoll; 'Bernhardt, David L.'; 'Lorren E.S. Walker'; Maximilian Merrill; Dennis A. Cardoza

Subject: FINAL Washington Schedule -- Rep. Nunes TONIGHT 7:30

Importance: High

All:

Attached is the final schedule. Note that the informal meeting with Rep. Nunes is at 7:00 this evening at the Capitol Hill Club. The address is on the schedule.

We'll meet tomorrow morning at 8:15 in the restaurant in the Hyatt lobby.

See you then.

Joe

Joe Raeder
The Ferguson Group
1130 Connecticut Avenue, N.W., Suite 300
Washington, D.C. 20036
Phone: 202-331-8500 ext 1233
Cell: 202-■■■■■■■■■■
Fax: 202-331-1598

jraeder@tfgnet.com

SAN JOAQUIN VALLEY GROWERS
CONGRESSIONAL MEETINGS – WASHINGTON, DC
July 28-30, 2014
FINAL

Monday, July 28

7:30 p.m. **Representative Devin Nunes and Johnny Amaral, Chief of Staff**
National Republican Club of Capitol Hill
300 First St S.E. (Corner of First and C Streets, across from the Cannon House
Office Bldg. and the Capitol South Metro Station)
Phone: 202-484-4590

Tuesday, July 29

8:15 a.m. **Orientation meeting at Hyatt Regency Capitol Hill**
400 New Jersey Ave N.W. – (Private room reservation for 12 under Joe Raeder)

10:15 a.m. **Chris Kearney, Budget Analyst/Senior Professional Staff Member**
Senate Committee on Energy and Natural Resources
304 Dirksen; Phone: 202-224-4971

11:15 a.m. **Representative Tom McClintock**
Chris Tudor, Water & Power Legislative Assistant
434 Cannon; Phone: 202-225-2511

Noon **Laura Schiller, Chief of Staff**
Joaquin Esquivel, Legislative Assistant
Jason Albritton, Senior Policy Advisor (Senate EPW Committee)
Office of Senator Barbara Boxer
112 Hart; Phone: 202-224-3553

1:00 p.m. **Lunch**
Schramm, Williams & Associates, Inc.
512 C Street, N.E. (Corner of Maryland Avenue and 6th Streets, NE, near Stanton Park)
Phone: 202-543-4455

3:00 p.m. **Sara Tucker, Professional Staff Member**
Senate Committee on Energy and Natural Resources
304 Dirksen; Phone: 202-224-4971

Tuesday, July 29 (continued)

- 4:30 p.m. **Representative Kevin McCarthy**
Kyle Lombardi, Legislative Director
H-107 Capitol Building; Phone: 202-225-0915
- 5:30 p.m. **Amelia Jenkins, Deputy Minority Staff Director**
House Committee on Natural Resources
186 Ford; Phone: 202-255-6065
- 7:00 p.m. **Dinner with Representative Jim Costa**
Juan Lopez, Chief of Staff and Scott Petersen, Deputy Chief of Staff
Sonoma Restaurant – Reservation under Rep. Jim Costa
223 Pennsylvania Avenue, SE – Phone: 202-544-8088

Wednesday, July 30

- 9:00 a.m. **Representative Devin Nunes**
Damon Nelson, Deputy Chief of Staff
1013 Longworth; Phone: 202-225-2523
- 10:00 a.m. **John Watts, Legislative Director**
James Peterson, Environmental Counsel
Felix Yeung, Legislative Assistant
Office of Senator Dianne Feinstein
331 Hart; Phone: 202-224-3841
- 11:00 a.m. **Jason Larrabee, Chief of Staff**
Office of Representative Jeff Denham
1730 Longworth; Phone: 202-225-4540
- 11:30 a.m. **Representative Jim Costa**
Scott Petersen, P.E., Deputy Chief of Staff
1314 Longworth; Phone: 202-225-3341
- 12:15 p.m. **Ally Berenter, Legislative Assistant**
Office of Representative Ken Calvert
2269 Rayburn; Phone: 202-225-1986
- 1:00 p.m. **Representative David Valadao**
Chris Marklund, Legislative Director
1004 Longworth; Phone: 202-225-4695

Wednesday, July 30 (continued)

- 2:00 p.m. **Kiel Weaver, Staff Director**
Subcommittee on Water and Power
House Committee on Natural Resources
1522 Longworth; Phone: 202-225-8331
- 3:00 p.m. **Representative Sam Farr**
Troy Phillips, Senior Legislative Assistant
1126 Longworth; Phone: 202-225-2861
- 4:00 p.m. **Bryan Zumwalt, Chief Counsel**
Senate Committee on Environment and Public Works
456 Dirksen; Phone: 202-224-6176

ATTENDEES:

Tom Barcellos, Friant Water Authority (Cell: 559-██████████)
Loren Booth, Friant Water Authority and multiple districts (Cell: 559-██████████)
Dan Errotabere, Fresno County grower (Cell: 559-██████████)
Steve Jackson, Kern County Water Agency (Cell: 559-██████████)
Mari Martin, SJR Exchange Contractors Authority (Cell: 559-██████████)
Jim Nickel, SJR Exchange Contractors Authority and
Kern County Water Agency (Cell: 661-██████████)
Mark Watte, Friant Water Authority (Cell: 559-2-██████████)

Contact phone numbers:

Schramm, Williams & Associates, Inc.

Nancy Williams' cell: 202-██████████

Bob Schramm's direct dial: 202-██████████

The Ferguson Group:

Joe Raeder's cell: 202-██████████

From: Weiland, Paul S.

Sent: Monday, July 28, 2014 4:49 PM

To: Leeper, Elizabeth; jsb@pacificlegal.org; Robert.Byrne@doj.ca.gov; CCarr@mofo.com; melissa.cushman@bbklaw.com; bdavis@bwdlawgroup.com; michael.edson@doj.ca.gov; mfitzgerald@bhfs.com; paeter.garcia@bbklaw.com; Allison.Goldsmith@doj.ca.gov; tgoldstein@goldsteinrussell.com; agonzalez@mofo.com; Jay.Govindan@usdoj.gov; mrh@pacificlegal.org; Cliff.Lee@doj.ca.gov; steven.martin@bbklaw.com; LMasouredis@mwdh2o.com; james.a.maysonett@usdoj.gov; ameliham@kcwa.com; robert.oakley@usdoj.gov; robert.oakley@usdoj.gov; dobegi@nrdc.org; torr@earthjustice.org; kpoole@nrdc.org; Remillard, Ashley J.; krussell@goldsteinrussell.com; dms@pacificlegal.org; charles.scott@nortonrosefulbright.com; mscully@mwdh2o.com; wsloan@mofo.com; Thornton, Rob; gtorgun@earthjustice.org; Gregory.Wilkinson@BBKlaw.com; robert.p.williams@usdoj.gov; tom@aqualawyers.com; steve.anderson@bbklaw.com

CC: O'Hanlon, Daniel; Akroyd, Rebecca; Walter, Hanspeter; ediepenbrock@diepenbrock.com; Jon Rubin; Craig Manson; tbirmingham@westlandswater.org; ddiepenbrock@diepenbrock.com; emd@diepenbrock.com; ssims@bhfs.com; mmathews@bhfs.com; rsmith@bhfs.com; gwilliamson@bhfs.com; Bernhardt, David L.; jmarz@diepenbrock.com

Subject: RE: San Luis & Delta Mendota Water Authority et al. v. Jewell (9th Circuit Case 11-15871) - Motion For Stay Of Mandate

Please also be advised that the State Water Contractors, Metropolitan Water District, Kern County Water Agency, and the Coalition for a Sustainable Delta intend to join in or file a separate motion for stay of the mandate.

If possible, please respond with your client's position regarding such a motion by 2 p.m. tomorrow. Thank you.

Paul Weiland

From: Leeper, Elizabeth [mailto:ELeeper@kmtg.com]

Sent: Monday, July 28, 2014 12:48 PM

To: jsb@pacificlegal.org; Robert.Byrne@doj.ca.gov; CCarr@mofo.com; melissa.cushman@bbklaw.com; bdavis@bwdlawgroup.com; michael.edson@doj.ca.gov; mfitzgerald@bhfs.com; paeter.garcia@bbklaw.com; Allison.Goldsmith@doj.ca.gov; tgoldstein@goldsteinrussell.com; agonzalez@mofo.com; Jay.Govindan@usdoj.gov; mrh@pacificlegal.org; Cliff.Lee@doj.ca.gov; steven.martin@bbklaw.com; LMasouredis@mwdh2o.com; james.a.maysonett@usdoj.gov; ameliham@kcwa.com; robert.oakley@usdoj.gov; robert.oakley@usdoj.gov; dobegi@nrdc.org; torr@earthjustice.org; kpoole@nrdc.org; Remillard, Ashley J.; krussell@goldsteinrussell.com; dms@pacificlegal.org; charles.scott@nortonrosefulbright.com; mscully@mwdh2o.com; wsloan@mofo.com; Thornton, Rob; gtorgun@earthjustice.org; Gregory.Wilkinson@BBKlaw.com; robert.p.williams@usdoj.gov; tom@aqualawyers.com; steve.anderson@bbklaw.com; Weiland, Paul S.

Cc: O'Hanlon, Daniel; Akroyd, Rebecca; Walter, Hanspeter; ediepenbrock@diepenbrock.com; Jon Rubin; Craig Manson; tbirmingham@westlandswater.org; ddiepenbrock@diepenbrock.com; emd@diepenbrock.com; ssims@bhfs.com; mmathews@bhfs.com; rsmith@bhfs.com; gwilliamson@bhfs.com; Bernhardt, David L.; jmarz@diepenbrock.com

Subject: San Luis & Delta Mendota Water Authority et al. v. Jewell (9th Circuit Case 11-15871) - Motion For Stay Of Mandate

Counsel,

Please be advised that appellees/cross-appellants San Luis & Delta Mendota Water Authority and Westlands Water District intend to file a motion for stay of the mandate in the above-entitled case (companion case with cases 11-16617, 11-16621, 11-16623, 11-16624, 11-16660 and 11-16662) tomorrow, the 29th of July.

If possible, please respond with your client's position regarding such a motion by 2 p.m. tomorrow.

Thank you,

Elizabeth Leeper

Elizabeth Leeper

Attorney at Law



400 Capitol Mall, 27th Floor
Sacramento, CA 95814

T	916.321.4500
D	916.321.4517
F	916.321.4555

eleeper@kmtg.com

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From: Oakley, Robert (ENRD)

Sent: Tuesday, July 29, 2014 8:07 AM

To: Leeper, Elizabeth; jsb@pacificlegal.org; Robert.Byrne@doj.ca.gov; CCarr@mofo.com; melissa.cushman@bbklaw.com; bdavis@bwdlawgroup.com; michael.edson@doj.ca.gov; mfitzgerald@bhfs.com; paeter.garcia@bbklaw.com; Allison.Goldsmith@doj.ca.gov; tgoldstein@goldsteinrussell.com; agonzalez@mofo.com; Govindan, Jay (ENRD); mrh@pacificlegal.org; Cliff.Lee@doj.ca.gov; steven.martin@bbklaw.com; LMasouredis@mwdh2o.com; Maysonett, James A. (ENRD); ameliham@kcwa.com; dobegi@nrdc.org; torr@earthjustice.org; kpoole@nrdc.org; aremillard@nossaman.com; krussell@goldsteinrussell.com; dms@pacificlegal.org; charles.scott@nortonrosefulbright.com; mscully@mwdh2o.com; wsloan@mofo.com; rthornton@nossaman.com; gtorgun@earthjustice.org; Gregory.Wilkinson@BBKlaw.com; Williams, Robert P. (ENRD); tom@aqualawyers.com; steve.anderson@bbklaw.com; Weiland, Paul S.
CC: O'Hanlon, Daniel; Akroyd, Rebecca; Walter, Hanspeter; ediepenbrock@diepenbrock.com; Jon Rubin; Craig Manson; tbirmingham@westlandswater.org; ddiepenbrock@diepenbrock.com; emd@diepenbrock.com; ssims@bhfs.com; mmathews@bhfs.com; rsmith@bhfs.com; gwilliamson@bhfs.com; Bernhardt, David L.; jmarz@diepenbrock.com

Subject: RE: San Luis & Delta Mendota Water Authority et al. v. Jewell (9th Circuit Case 11-15871) - Motion For Stay Of Mandate

The Federal Defendants oppose any motion to stay the mandate in this appeal.
Thanks for checking with us.

Robert H. Oakley
P.O. Box 7415
Washington, DC 20044
(202) 514-4081

Overnight delivery address:
PHB Mail Room 2121
601 D Street, N.W.
Washington, D.C. 20004

From: Leeper, Elizabeth [mailto:ELeeper@kmtg.com]

Sent: Monday, July 28, 2014 3:48 PM

To: jsb@pacificlegal.org; Robert.Byrne@doj.ca.gov; CCarr@mofo.com; melissa.cushman@bbklaw.com; bdavis@bwdlawgroup.com; michael.edson@doj.ca.gov; mfitzgerald@bhfs.com; paeter.garcia@bbklaw.com; Allison.Goldsmith@doj.ca.gov; tgoldstein@goldsteinrussell.com; agonzalez@mofo.com; Govindan, Jay (ENRD); mrh@pacificlegal.org; Cliff.Lee@doj.ca.gov; steven.martin@bbklaw.com; LMasouredis@mwdh2o.com; Maysonett, James A. (ENRD); ameliham@kcwa.com; Oakley, Robert (ENRD); Oakley, Robert (ENRD); dobegi@nrdc.org; torr@earthjustice.org; kpoole@nrdc.org; aremillard@nossaman.com; krussell@goldsteinrussell.com; dms@pacificlegal.org; charles.scott@nortonrosefulbright.com; mscully@mwdh2o.com; wsloan@mofo.com; rthornton@nossaman.com; gtorgun@earthjustice.org; Gregory.Wilkinson@BBKlaw.com; Williams, Robert P. (ENRD); tom@aqualawyers.com; steve.anderson@bbklaw.com; Weiland, Paul S.

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Subject: San Luis & Delta Mendota Water Authority et al. v. Jewell (9th Circuit Case 11-15871) - Motion For Stay Of Mandate

Counsel,

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Thank you,

Elizabeth Leeper

Elizabeth Leeper

Attorney at Law



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From: Poole, Kate

Sent: Tuesday, July 29, 2014 8:27 AM

To: Oakley, Robert (ENRD)

CC: Leeper, Elizabeth; jsb@pacificlegal.org; Robert.Byrne@doj.ca.gov; CCarr@mofo.com; melissa.cushman@bbklaw.com; bdavis@bwdlawgroup.com; michael.edson@doj.ca.gov; mfitzgerald@bhfs.com; paeter.garcia@bbklaw.com; Allison.Goldsmith@doj.ca.gov; tgoldstein@goldsteinrussell.com; agonzalez@mofo.com; Govindan, Jay (ENRD); mrh@pacificlegal.org; Cliff.Lee@doj.ca.gov; steven.martin@bbklaw.com; LMasouredis@mwdh2o.com; Maysonett, James A. (ENRD); ameliham@kcwa.com; Obegi, Doug; torr@earthjustice.org; aremillard@nossaman.com; krussell@goldsteinrussell.com; dms@pacificlegal.org; charles.scott@nortonrosefulbright.com; mscully@mwdh2o.com; wsloan@mofo.com; rthornton@nossaman.com; gtorgun@earthjustice.org; Gregory.Wilkinson@BBKlaw.com; Williams, Robert P. (ENRD); tom@aqualawyers.com; steve.anderson@bbklaw.com; Weiland, Paul S.; O'Hanlon, Daniel; Akroyd, Rebecca; Walter, Hanspeter; ediepenbrock@diepenbrock.com; Jon Rubin; Craig Manson; tbirmingham@westlandswater.org; ddiepenbrock@diepenbrock.com; emd@diepenbrock.com; ssims@bhfs.com; mmathews@bhfs.com; rsmith@bhfs.com; gwilliamson@bhfs.com; Bernhardt, David L.; jmarz@diepenbrock.com; 'tzakim@earthjustice.org'; Obegi, Doug
Subject: Re: San Luis & Delta Mendota Water Authority et al. v. Jewell (9th Circuit Case 11-15871) - Motion For Stay Of Mandate
Attachments: image001.png

Defendant-intervenors also intend to oppose motions to stay the mandate.

Kate Poole

Sent from my iPhone

On Jul 29, 2014, at 8:10 AM, "Oakley, Robert (ENRD)" <Robert.Oakley@usdoj.gov<<mailto:Robert.Oakley@usdoj.gov>>> wrote:

The Federal Defendants oppose any motion to stay the mandate in this appeal. Thanks for checking with us.

Robert H. Oakley
P.O. Box 7415
Washington, DC 20044
(202) 514-4081

Overnight delivery address:
PHB Mail Room 2121
601 D Street, N.W.
Washington, D.C. 20004

From: Leeper, Elizabeth [<mailto:ELeeper@kmtg.com>]

Sent: Monday, July 28, 2014 3:48 PM

To: jsb@pacificlegal.org<<mailto:jsb@pacificlegal.org>>; Robert.Byrne@doj.ca.gov<<mailto:Robert.Byrne@doj.ca.gov>>; CCarr@mofo.com<<mailto:CCarr@mofo.com>>; melissa.cushman@bbklaw.com<<mailto:melissa.cushman@bbklaw.com>>; bdavis@bwdlawgroup.com<<mailto:bdavis@bwdlawgroup.com>>; michael.edson@doj.ca.gov<<mailto:michael.edson@doj.ca.gov>>; mfitzgerald@bhfs.com<<mailto:mfitzgerald@bhfs.com>>; paeter.garcia@bbklaw.com<<mailto:paeter.garcia@bbklaw.com>>; Allison.Goldsmith@doj.ca.gov<<mailto:Allison.Goldsmith@doj.ca.gov>>; agonzalez@mofo.com<<mailto:agonzalez@mofo.com>>; Govindan, Jay (ENRD); mrh@pacificlegal.org<<mailto:mrh@pacificlegal.org>>; Cliff.Lee@doj.ca.gov<<mailto:Cliff.Lee@doj.ca.gov>>; steven.martin@bbklaw.com<<mailto:steven.martin@bbklaw.com>>; LMasouredis@mwdh2o.com<<mailto:LMasouredis@mwdh2o.com>>; Maysonett, James A. (ENRD); ameliham@kcwa.com<<mailto:ameliham@kcwa.com>>; Oakley, Robert (ENRD); Oakley, Robert (ENRD); dobegi@nrdc.org<<mailto:dobegi@nrdc.org>>; torr@earthjustice.org<<mailto:torr@earthjustice.org>>; kpoole@nrdc.org<<mailto:kpoole@nrdc.org>>; aremillard@nossaman.com<<mailto:aremillard@nossaman.com>>;

krussell@goldsteinrussell.com<<mailto:krussell@goldsteinrussell.com>>; dms@pacificlegal.org<<mailto:dms@pacificlegal.org>>; charles.scott@nortonrosefulbright.com<<mailto:charles.scott@nortonrosefulbright.com>>; mscully@mw2o.com<<mailto:mscully@mw2o.com>>; wsloan@mofo.com<<mailto:wsloan@mofo.com>>; rthornton@nossaman.com<<mailto:rthornton@nossaman.com>>; gtorgun@earthjustice.org<<mailto:gtorgun@earthjustice.org>>; Gregory.Wilkinson@BBKlaw.com<<mailto:Gregory.Wilkinson@BBKlaw.com>>; Williams, Robert P. (ENRD); tom@aqualawyers.com<<mailto:tom@aqualawyers.com>>; steve.anderson@bbklaw.com<<mailto:steve.anderson@bbklaw.com>>; Weiland, Paul S.

Cc: O'Hanlon, Daniel; Akroyd, Rebecca; Walter, Hanspeter;

ediepenbrock@diepenbrock.com<<mailto:ediepenbrock@diepenbrock.com>>; Jon Rubin; Craig Manson;

tbirmingham@westlandswater.org<<mailto:tbirmingham@westlandswater.org>>;

ddiepenbrock@diepenbrock.com<<mailto:ddiepenbrock@diepenbrock.com>>;

emd@diepenbrock.com<<mailto:emd@diepenbrock.com>>; ssims@bhfs.com<<mailto:ssims@bhfs.com>>;

mmathews@bhfs.com<<mailto:mmathews@bhfs.com>>; rsmith@bhfs.com<<mailto:rsmith@bhfs.com>>;

gwilliamson@bhfs.com<<mailto:gwilliamson@bhfs.com>>; Bernhardt, David L.;

jmarz@diepenbrock.com<<mailto:jmarz@diepenbrock.com>>

Subject: San Luis & Delta Mendota Water Authority et al. v. Jewell (9th Circuit Case 11-15871) - Motion For Stay Of Mandate

Counsel,

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If possible, please respond with your client's position regarding such a motion by 2 p.m. tomorrow.

Thank you,

Elizabeth Leeper

Elizabeth Leeper
Attorney at Law

<image001.png>
400 Capitol Mall, 27th Floor
Sacramento, CA 95814

T

916.321.4500

D

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eleeper@kmtg.com<<mailto:eleeper@kmtg.com>>
www.kmtg.com<<http://www.kmtg.com>>

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From: Ara Azhderian

Sent: Tuesday, July 29, 2014 8:43 AM

To: Dan Nelson; tbirmingham@westlandswater.org

CC: Dennis Cardoza (DCardoza@foley.com); David Bernhardt; Jason Peltier; Greg Zlotnick; Dave Reynolds

Subject: FW: SLDMWA Support for HR 4315

Attachments: SLDMWA Support for HR 4315 Hastings - Submitted.pdf

Good morning Dan and Tom,

Attached is the support letter for Hasting's H.R. 4315 I forwarded to Kiel a short while ago.

Hope the rest of your day is going well.

a

From: Ara Azhderian

Sent: Tuesday, July 29, 2014 8:35 AM

To: Weaver, Kiel

Subject: SLDMWA Support for HR 4315

Hello Kiel,

I hope all is well with you. Attached is support from the San Luis & Delta-Mendota Water Authority for Chairman Hasting's H.R. 4315. We appreciate your efforts on these issues. Please feel free to contact me if you should have any questions.

Best,

Ara Azhderian

Water Policy Administrator

San Luis & Delta-Mendota Water Authority



July 28, 2014

The Honorable Doc Hastings
United States House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

RE: Support H.R. 4315 – “Endangered Species Transparency and Reasonableness Act”

Dear Chairman Hastings,

The San Luis & Delta-Mendota Water Authority serves 28 California water agencies that receive water from the United States Bureau of Reclamation’s Central Valley Project. These agencies deliver water to millions of Californians for agricultural, municipal, and environmental management purposes in an area spanning approximately 3,300 square miles along the Westside of the San Joaquin Valley, in portions of Contra Costa, San Joaquin, Stanislaus, Merced, Fresno, and Kings Counties, as well as to the west in San Benito and Santa Clara counties. Operations of the Central Valley Project are greatly affected by implementation of the Endangered Species Act, which we believe will be improved by the passage of H.R. 4315.

Improving the transparency of and access to scientific information driving regulatory decisions and the accountability of the legal process resulting from challenges to those decisions represents an important step toward modernizing the nearly 41 year-old Act. We appreciate and support your efforts to improve implementation of the Act.

Sincerely,

Daniel G. Nelson
Executive Director

842 SIXTH STREET

SUITE 7

P.O. BOX 2157

LOS BANOS

CALIFORNIA

93635

(209) 826-9696
OFFICE

(209) 826-9698
FAX

From: Nelson, Damon
Sent: Wednesday, July 30, 2014 2:02 PM
To: Tom Birmingham; Bernhardt, David L.
Subject: Reminder....

Can you send me two items?

1. The spread sheet on the scientific take of smelt;
2. The process by which BoR thinks OMR flows should be calculated (rather than the three GIS monitors);

Thank you for the help today.

Damon Nelson
Deputy Chief of Staff & Legislative Director
Congressman Devin Nunes
Office: (202) 225-2523

Office Mission To ensure our constituents and all Americans live free and prosperous lives in a healthy and safe environment by serving, communicating, protecting and representing them in a professional and caring manner.



From: Jason Peltier
Sent: Thursday, August 7, 2014 3:23 PM
To: David Bernhardt
Subject: FW: Tom next week?

Any thoughts on Tom's availability while in DC next week?

-----Original Message-----

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, August 07, 2014 2:14 PM
To: Jason Peltier
Subject: Re: Tom next week?

Hi Jason,

I don't know what Tom's schedule is next week since he will be in Washington but my guess is that he will not be able to call in to the meeting. I believe he will be at the resolution meeting on Friday.

Sent from my iPhone

> On Aug 7, 2014, at 12:30 PM, "Jason Peltier" <jpeltier@westlandswater.org> wrote:
>
>
> Laura KM is asking if Tom could possibly call in to the GM/Agency head meeting for 3 hours in the window of 9am Wednesday to noon Thursday.
>
> Also, will he be at the Issues Resolution meeting this Friday morning?

From: Bernhardt, David L.
Sent: Thursday, August 7, 2014 3:27 PM
To: Jason Peltier
Subject: Re: Tom next week?

He could likely be available, if he wanted to do it.

[REDACTED]

> On Aug 7, 2014, at 6:24 PM, "Jason Peltier" <jpeltier@westlandswater.org> wrote:

>
> Any thoughts on Tom's availability while in DC next week?

> -----Original Message-----

> From: Karen Clark [<mailto:kclark@westlandswater.org>]

> Sent: Thursday, August 07, 2014 2:14 PM

> To: Jason Peltier

> Subject: Re: Tom next week?

>

>

> Hi Jason,

>

> I don't know what Tom's schedule is next week since he will be in Washington but my guess is that he will not be able to call in to the meeting. I believe he will be at the resolution meeting on Friday.

>

> Sent from my iPhone

>

>> On Aug 7, 2014, at 12:30 PM, "Jason Peltier" <jpeltier@westlandswater.org> wrote:

>>

>>

>> Laura KM is asking if Tom could possibly call in to the GM/Agency head meeting for 3 hours in the window of 9am Wednesday to noon Thursday.

>>

>> Also, will he be at the Issues Resolution meeting this Friday morning?

>

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

From: Jason Peltier
Sent: Thursday, August 7, 2014 3:53 PM
To: 'Bernhardt, David L.'
Subject: RE: Tom next week?

:~)

-----Original Message-----

From: Bernhardt, David L. [<mailto:DBernhardt@BHFS.com>]
Sent: Thursday, August 07, 2014 3:27 PM
To: Jason Peltier
Subject: Re: Tom next week?

He could likely be available, if he wanted to do it.

[REDACTED]

> On Aug 7, 2014, at 6:24 PM, "Jason Peltier" <jpeltier@westlandswater.org> wrote:

>
> Any thoughts on Tom's availability while in DC next week?

>
> -----Original Message-----

> From: Karen Clark [<mailto:kclark@westlandswater.org>]
> Sent: Thursday, August 07, 2014 2:14 PM
> To: Jason Peltier
> Subject: Re: Tom next week?

>
>
> Hi Jason,

>
> I don't know what Tom's schedule is next week since he will be in Washington but my guess is that he will not be able to call in to the meeting. I believe he will be at the resolution meeting on Friday.

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From: Tom Birmingham
Sent: Wednesday, August 13, 2014 12:39 PM
To: Watts, John (Feinstein)
CC: Bernhardt, David L.; Yeung, Felix (Feinstein)
Subject: Re: Further revise to area of origin language

Your version is better.

Sent from my iPhone

On Aug 13, 2014, at 3:18 PM, "Watts, John (Feinstein)" <John_Watts@feinstein.senate.gov> wrote:

Tom and David,

Felix and I have looked at your proposed rewrite of the area of origin language and have come up with a slightly revised effort that we believe is tighter and clearer. How does this look to you?

John

<area of origin revise 8 12 2014.docx>

From: Tom Birmingham
Sent: Wednesday, August 13, 2014 12:41 PM
To: Damon Nelson
CC: David L. Bernhardt
Subject: Fwd: delta smelt take from 2005 to 2014 and averages
Attachments: AnnualDeltaSmeltTake20052014ForTom.xlsx; Untitled attachment 28583.htm

Here is some of the information you requested.

Sent from my iPhone

Begin forwarded message:

From: Sheila Greene <sgreene@westlandswater.org>
Date: August 13, 2014 at 3:05:34 PM EDT
To: Birmingham Tom <tbirmingham@westlandswater.org>
Subject: delta smelt take from 2005 to 2014 and averages

The average annual adult delta smelt take from 2005 through 2014 is 335.
The average annual juvenile delta smelt take from 2005 through 2014 is 1205.
The average annual total delta smelt take from 2005 through 2014 is 1540.
The data are attached.

The data were obtained from the 2008 BO, the Smelt Working Group Meeting Notes, and the DFW website.

Sheila Greene

Westlands Water District
400 Capitol Mall, 27th Floor
Sacramento, CA 95814
916-321-4567 voice
sgreene@westlandswater.org

ANNUAL DELTA SMELT TAKE AT CVP AND SWP

Year	Adult	Juvenile	
2004/05	2018	1728	3746
2005/06	324	12	336
2006/07	36	2672	2708
2007/08	350	1688	2038
2008/09	24	1897	1921
2009/10	92	81	173
2010/11	48	0	48
2011/12	199	2151	2350
2012/13	260	1741	2001
2013/14	0	78	78
Average	335.1	1204.8	1539.9

Numbers taken from either 1) Smelt working Group Meeting Notes, 2) 2008 BO, or Fish and Wildlife's w

Website Smelt Salvage Tables.

From: Tom Birmingham
Sent: Wednesday, August 13, 2014 1:19 PM
To: 'Marklund, Chris'
CC: 'Bernhardt, David L.'
Subject: Section 3406(b)(2) Amendment
Attachments: 12-17-03 DOI Memo.pdf

Chris,

The following is the proposed language to amend section 3406(b)(2) I suggested:

Section 3406(b)(2) is amended by adding a new subsection (E), "All Central Valley Project water, except Central Valley Project water needed to implement paragraph 3406(d)(1) and allocated pursuant to paragraph (23), used to implement an action undertaken for a fishery beneficial purpose that was not imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing on October 30, 1992, shall be credited to the quantity of Central Valley Project yield dedicated and managed under this paragraph; provided, that nothing herein shall affect the Secretary's duty to comply with any otherwise lawful requirement imposed on operations of the Central Valley Project under any provision of federal or state law."

I have also attached the Department of the Interior guidance memorandum on which this is based.

Please let me know if you have any questions.

Tom

United States Department of the Interior



DEC 17 2003



Fish and Wildlife Service
California/Nevada Operations Office
2800 Cottage Way, Suite W-2606
Sacramento, California 95825-1846

Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way
Sacramento, California 95825-1898

Memorandum

To: Central Valley Operations Manager, Bureau of Reclamation
Sacramento, California

Field Supervisor, Sacramento Fish and Wildlife Office
Sacramento, California

From: Regional Director, Bureau of Reclamation
Sacramento, California

Manager, California/Nevada Operations Office
Sacramento, California

Subject: Guidance for Implementation of Section 3406(b)(2) of the CVPIA

This memorandum provides guidance and direction regarding modeling and planning of the annual implementation of Section 3406(b)(2) of the Central Valley Project Improvement Act (hereinafter, "Section 3406(b)(2)" or "(b)(2)"). This guidance concerns Interior's annual dedication and management of Central Valley Project yield pursuant to Section 3406(b)(2), in accordance with the "Department of the Interior Decision on Implementation of Section 3406(b)(2) of the Central Valley Project Improvement Act May 9, 2003 Decision" ("the May 9, 2003 Decision") and with the June 3, 2003 ruling by United States Court of Appeals for the Ninth Circuit. The Ninth Circuit held that the "non-mandatory language of [Section 3406(b)(2)] gives Interior the discretion to allocate the 800,000 acre-feet among fish and wildlife, water quality, and endangered species obligations, as long as Interior's allocation gives effect to the hierarchy of purposes established in Section 3406(b)(2)." This guidance supplements the May 9, 2003 Decision, in light of the June 3, 2003 Ninth Circuit ruling.

The October 1 through September 30 accounting period described in the May 9, 2003 Decision allows Interior to implement actions that effectuate the "hierarchy of purposes" referred to in the June 3, 2003 Ninth Circuit decision. The May 9, 2003 Decision specifically provides for a target of up to 200,000 acre-feet of use in the October through January period, primarily for high priority fish and wildlife uses. Moreover, actions taken pursuant to the 1995 Water Quality Control Plan and State Water Resources Control Board Decision D-1641 ("the 1995 WQCP") involve the dedication and management of Central Valley Project yield for long-term fishery beneficial use and protection. Such actions are not taken to help meet agricultural or municipal and industrial water quality standards that are set forth in the 1995 WQCP. Most of the fishery

EXHIBIT B

002156

ER00750

beneficial uses and objectives under the 1995 WQCP and in Reclamation's water right permits help fulfill the fish, wildlife, and habitat restoration purposes and measures authorized by Section 3406(b). Consistent with the June 3, 2003 Ninth Circuit decision, much of the (b)(2) water that is dedicated and managed annually to help meet fishery beneficial use and protection objectives of the 1995 WQCP serves Section 3406(b)(2)'s "primary purpose" of fish, wildlife, and habitat restoration. Therefore, the implementation of Section 3406(b)(2) in accordance with the May 9, 2003 Decision and with this supplemental guidance effectuates the "hierarchy of purposes" in Section 3406(b)(2).

Reclamation and the Service agree to start each year with targets of up to 300,000 acre-feet of (b)(2) water annually for high priority fish and wildlife actions. These may include fish actions on Clear Creek; the Sacramento, American, and Stanislaus Rivers; and in the Delta.

Reclamation and the Service further agree with targets of up to 500,000 acre-feet of (b)(2) water annually to help meet WQCP and ESA obligations. The 300,000 acre-feet for fish and wildlife actions will include the target in the May 9 Decision of up to 200,000 acre-feet of use in the October through January period. (Exceeding 200,000 acre-feet can only occur after the Service and Reclamation confer and the Manager of the Service's California Nevada Operations Office and the Director of Reclamation's Mid-Pacific Region concur in writing). Additionally, if the projected and/or realized WQCP/ESA costs for the accounting year exceed the 500,000 acre-feet of (b)(2) water, the Service and Reclamation will confer to determine the best course of action. That conference will address the most beneficial use of the remaining (b)(2) water for fish and wildlife management actions that year, whether they are for fish, wildlife, and habitat restoration purposes or to help meet WQCP standards and ESA obligations. Exceeding 500,000 acre-feet of (b)(2) water used for the WQCP/ESA costs when there are other unmet high priority fish actions, as specified by the Service in coordination with NOAA Fisheries and California Department of Fish and Game, will require written concurrence of both the Manager of the Service's California Nevada Operations Office and the Director of Reclamation's Mid-Pacific Region to allow for proper planning and coordination with project operations.

This guidance does not establish caps but assures that priority actions are carefully weighed against the standards in the WQCP designed for fish and wildlife benefits. These targets should be used in developing assumptions in the modeling. Actions and priorities can be assessed to generally follow this direction. Modeling results will be reviewed to project situations in which adjustments to the targets may be desirable.

The seasonality of actions fits into the accounting period and the time dependent order for determining the priority of actions and need for adjustments to allocations, in general. Fall flow improvements, impacts to export due to Delta Cross Channel gate closures, some wintertime export reductions during fishery migration windows, some wintertime and spring flow and export costs to fishery beneficial uses of the WQCP, Vernalis Adaptive Management Plan (VAMP), and some other spring export reductions during the sensitive estuarine species periods are examples of actions that reflect the seasonality of decisions and operations. Some of the CVP Delta fish actions that cannot be incorporated into the (b)(2) allocations may fall into the Environmental Water Account (EWA) needs.

In annual implementation we can use existing teams and processes to continue to determine priorities of actions and evaluate the consistency with the guidance provided in this memorandum. The May 9 Decision recognizes the considerable coordination that is critical to the implementation of many actions with (b)(2), and implementation of the EWA. The B2IT will advise Reclamation, the Service, the EWAT Team and other members of the Water Operations Management Team (WOMT) when the implementation is varying from the targets and make recommendations for shifting (b)(2) water between such uses. Reclamation and the Service can use input from the WOMT to make informed decisions on priorities of (b)(2) water, although the Directors of Reclamation and the Service will continue to retain final responsibility for such decisions as outlined in the CVPIA, Interior's May 9 Decision and herein.

Reclamation and the Service understand that we must wisely use the discretion provided in the CVPIA and implementation policy in the dedication and management of (b)(2) water each year, taking into consideration fishery conditions, hydrology, reservoir storage, and other associated actions.



From: Tom Birmingham
Sent: Thursday, August 14, 2014 7:32 AM
To: 'Nelson, Damon'
CC: 'Bernhardt, David L.'
Subject: FW: OMR Index

Immediately after my last email, I received the following from a close friend.

Last night I could not find a write up of the current OMR Index Pilot study that was in theory in place this last year, but something like this might keep the focus on the improvement loop necessary to make an Index more advantageous to water supplies:

Department of the Interior, working collaboratively with the California Department of Water Resources, is to report to Congress on the findings of the 2014 OMR Flow Index Pilot Study focusing on the effectiveness of the Index implemented this last year and any recommended refinements to the index methodology to improve water supplies and operational efficiency.

From: Nelson, Damon
Sent: Thursday, August 14, 2014 9:11 AM
To: Tom Birmingham
CC: 'Bernhardt, David L.'
Subject: RE: OMR Index

So this language is preferable?

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Thursday, August 14, 2014 10:32 AM
To: Nelson, Damon
Cc: 'Bernhardt, David L.'
Subject: FW: OMR Index

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From: Tom Birmingham
Sent: Thursday, August 14, 2014 10:19 AM
To: Nelson, Damon
CC: David L. Bernhardt
Subject: Re: OMR Index

No, I think my language is preferable.

Sent from my iPhone

On Aug 14, 2014, at 12:12 PM, "Nelson, Damon" <Damon.Nelson@mail.house.gov> wrote:

So this language is preferable?

From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]
Sent: Thursday, August 14, 2014 10:32 AM
To: Nelson, Damon
Cc: 'Bernhardt, David L.'
Subject: FW: OMR Index

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From: Jason Peltier
Sent: Monday, August 18, 2014 1:03 PM
To: Dennis Cardoza; Joe Findaro; David Bernhardt; Denny Rehberg
CC: T Birmingham (tbirmingham@westlandswater. org)
Subject: FW: Alliance Letter to Secretary Vilsack
Attachments: Sec vilsack august 2014 FINAL.pdf

Very aggressive for Family Farm Alliance.

From: Dan Keppen [mailto:dankeppen@charter.net]
Sent: Monday, August 18, 2014 11:43 AM
To: 'Bill Kennedy'; 'Chris Hurd'; [REDACTED]@[REDACTED].[REDACTED] 'Don Schwindt'; 'Harold Mohlman'; 'Harvey Bailey'; Marc Thalacker; 'Pat O'Toole'; 'Ron Rayner'; 'Sandy Denn'; 'Tom Schwarz'; 'Antonio Ortega'; 'April Snell'; 'Bill Plummer'; 'Brad Wind'; 'Bruce
Cc: 'Gary Sawyers'; 'Mark Limbaugh'; 'Jeffrey Eisenberg'
Subject: Alliance Letter to Secretary Vilsack

Dear Alliance Directors and Advisory Committee Members:

Attached, please find the final letter transmitted earlier today to Agriculture Secretary Tom Vilsack. I received from many of you excellent feedback on this as we were crafting it last week. Copies are also being sent to Members of Congress and three Western governors who have raised similar concerns with Secretary Vilsack in recent weeks.

Please do not hesitate to contact me if you have any questions about this matter.

Best regards-

Dan Keppen
Executive Director



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.



P.O. Box 216 Klamath Falls, Oregon 97601

Protecting Water for Western Irrigated Agriculture

August 18, 2014

The Honorable Tom Vilsack
Secretary
United States Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Re: Administration Policies that Favor Wildlife over Food Production

Dear Secretary Vilsack,

On behalf of the Family Farm Alliance (Alliance), I write in support of recent letters sent to you by several Western Governors and Members of Congress providing just the latest examples where the Obama Administration appears to be favoring wildlife management over food production in the West. The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts and allied industries in 16 Western states. The Alliance is focused on one mission: To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers.

The Alliance has built a respected reputation for facilitating solutions to complex Western water challenges in a constructive way. The family farmers and ranchers we represent are a major part of the \$156 billion economic impact Western irrigated agriculture provides to the U.S. economy every year, an industry made up of direct irrigated crop production, ranching and livestock, agricultural services, and the food processing and packaging sectors. And, not to be overlooked, these irrigated farms and ranches provide the multitude of safe, healthy and affordable fresh fruits, vegetables, nuts, and other staples the U.S. consumer has come to expect every time they walk into a grocery store.

On June 30, 2014 four Western Senators sent a letter to you and Interior Secretary Jewell about recent actions and plans to manage bighorn sheep and domestic sheep proposed by the U.S. Forest Service (USFS) and Bureau of Land Management. On July 9, the Governors of the States of Idaho, Utah and Wyoming shared with you their concerns regarding the February 2014 USFS briefing paper in which the agency outlined its plan to implement a bighorn sheep and domestic sheep management framework within USFS Region 4. The states have three primary concerns with the plan for development of the management framework, and all three concerns are tied to the fundamental need to include the states in the development of the management framework.

Later in July, Members of Congress signed on to a letter to you raising concerns regarding the recent reprogramming request submitted by the U.S. Department of Agriculture (USDA) Agriculture Research Service (ARS) to Congressional agriculture appropriations subcommittees that would have closed the U.S. Sheep Experiment Station in Dubois, Idaho. ARS is currently conducting important research at this facility on how the interaction between domestic and bighorn sheep stakeholders in the West. It would be difficult, if not

impossible, to continue this research if the Dubois center was closed. It is our view that USDA policy on bighorn sheep matters is being unfairly influenced by a handful of wildlife activist groups with the agenda of ending this research effort.

Over the past decade, the Alliance has witnessed escalated engagement by certain activist groups who cynically use wildlife issues in an effort to eliminate sectors of production agriculture. It has happened in places like the Klamath River watershed and California's Central Valley, where water originally developed for farms and ranches is being redirected to meet the perceived needs of several species of fish protected under the federal Endangered Species Act (ESA). Many of the federal decisions responsible for taking water from productive farms and ranches are driven by litigation coming from groups like the Natural Resources Defense Council, the Center for Biological Diversity (CBD), and WildEarth Guardians (WEG). And now, in the Rocky Mountain States, activists are trying to use bighorn sheep as a means of eliminating grazing on public lands and appear to be having success with USDA, based on the developments addressed in the aforementioned letters sent to you.

The close relationship these activist organizations share with this Administration extends into all regions and resource issues in the West. For example, former Interior Secretary Salazar's ESA litigation settlements between the U.S. Fish and Wildlife Service (USFWS) and CBD/WEG regarding the listing of 113 species under the ESA will resonate for many years. Western agricultural producers who have seen firsthand the economic and social impacts that can accompany ESA single species management remain wary and concerned. Litigation that often surrounds ESA listings and federal agency management decisions adds a whole new level of costs and uncertainty for farmers and ranchers who rely on federal water projects located in, and sometimes even outside areas where ESA-protected fish and wildlife live. Further, given the small amount of funding in the USFWS budget for this endeavor, along with the accelerated timeline, there is certain to be a great deal of incomplete, dated and otherwise inadequate science used to develop and support these listing decisions.

It is disturbing that the Obama Administration is apparently cooperatively working with the most radical environment groups in the Nation to set Federal policy positions that favor, not balance, wildlife management and protections over food production and the health of our rural communities.

However, the Alliance does not lump all conservation NGOs into the same category as these small, radical activist groups that rely on litigation to drive their agenda. The Alliance has worked hard to create the Western Agriculture and Conservation Coalition, a collaborative effort with the goal of finding ways to improve the environment, protect Western irrigated agriculture, and keep farmers and ranchers in business. Other members of our Coalition include The Nature Conservancy, California Farm Bureau Federation, Environmental Defense, Wyoming Stockgrowers, Trout Unlimited, and the Irrigation Association, to name a few.

For generations, American family farmers and ranchers have grown food and fiber for the world, and these farmers will have to muster more innovation to meet the critical challenge of producing even more to meet projected future increases in world (and U.S.) demand for these commodities. It is our view that such innovation in agriculture must be encouraged by the Federal government, rather than stifled with new, top-down federal policies and regulations that create uncertainty over the very water supplies originally developed for irrigated farms and ranches in the rural West. For example, the Alliance has many concerns with a recent proposed USFS groundwater management directive; specifically with the USFS assertion of control over groundwater that we believe exceeds the agency's statutory authority. Unfortunately, in recent years similar actions, such as conditioned permits, leveraged water rights, and by-pass flows required by the USFS, suggest a move towards

federal overreach, ignoring state water laws and processes, and violating private property rights.

In short, our members and others in the regulated community see increased Federal top-down regulations and controls being proposed and put in place, while proven, collaborative partnership-driven approaches to find lasting solutions to vexing water problems appear to have been put on the back burner. Our producers find it difficult to understand why agricultural production finds itself continually under attack when farmers and ranchers continue to provide the food and fiber to feed and clothe the Nation and the world. We are troubled why the USDA and other federal agencies are “biting the hand” that produces the food.

The Alliance applauds Western elected officials for raising their concerns regarding the domestic sheep / bighorn sheep issue. Unfortunately, it is just the latest example in a sweeping range of processes and actions that can, individually or collectively, have very real negative impacts to Western irrigated agriculture, including the potential for disruption in water supplies and increased production costs.

The intent of this letter is to put you, Mr. Secretary, in the shoes of family farmers and ranchers as they view these daunting administrative rulemaking and policy initiatives. And, most importantly, it is our hope that leaders in the Obama Administration seriously reconsider both the sources of these destructive proposals and the cumulative impacts of the resulting regulatory measures before adding additional chapters to what our members already see as a very large rulebook.

We are proud of our organization’s track record and of the relationship we have built over the past decade with the USDA, the Department of the Interior and the Bureau of Reclamation, as well as the Congress and the many proactive non-governmental organizations we work with regularly. I believe the Alliance is seen as providing credible leadership in the Western water arena on both sides of the aisle, as evidenced by the 40 invitations we have received as an organization to provide testimony before Congressional committees since 2005. We are confident that the Alliance will continue our strong partnership with you at the helm of the USDA as we seek constructive solutions to the challenges facing Western irrigated agriculture.

Sincerely,

A handwritten signature in cursive script that reads "Patrick F. O'Toole".

Patrick F. O'Toole, President

cc: Congressional signatories to June 30, 2014 Letter to Sec. Vilsack and Sec. Jewell
U.S. Senators signatory to July 25, 2014 Letter to Sec. Vilsack
Governors signatory to July 9, 2014 Letter to Sec. Vilsack
The Honorable Secretary of the Interior Sally Jewell

From: Karen Clark
Sent: Wednesday, August 20, 2014 12:05 PM
To: Bobbie Ormonde
Subject: Re: Special Meeting Notice

Hi Bobbie,

The Special Board Meeting is scheduled for the 29th although I don't believe a time was set. I have to contact Dave Bernhardt to make sure he can attend. If he cannot, we will have to reschedule the meeting. I will keep you posted when I know more (which I expect will be tomorrow).

Sent from my iPhone

On Aug 20, 2014, at 11:54 AM, "Bobbie Ormonde" <bormonde@westlandswater.org> wrote:

Karen,

Can you confirm the date of the special meeting? August 22 or August 29? My notes indicate 8-22-14. Also, if the meeting is this Friday, will a notice be posted today?

Bobbie Ormonde
Director of Finance and Administration
Westlands Water District
3130 North Fresno Street
Fresno, CA 93703
(559) 241-6203 phone
(559) 241-6277 fax

From: Bobbie Ormonde
Sent: Wednesday, August 20, 2014 1:03 PM
To: 'Dan Pope'
Subject: FW: Special Meeting Notice

fyi

From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: Wednesday, August 20, 2014 12:05 PM
To: Bobbie Ormonde
Subject: Re: Special Meeting Notice

Hi Bobbie,

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Sent from my iPhone

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Bobbie Ormonde
Director of Finance and Administration
Westlands Water District
3130 North Fresno Street
Fresno, CA 93703
(559) 241-6203 phone
(559) 241-6277 fax

From: Tom Birmingham
Sent: Thursday, August 21, 2014 10:29 AM
To: 'Watts, John (Feinstein)'
CC: 'Bernhardt, David L.'
Subject: Drafting Service on Judicial Review

John,

As we discussed, the following are two alternatives for the judicial review section:

(g) JUDICIAL REVIEW. Written determinations by the Secretary under subsection (e) and the calculation of a revised incidental take limit under Section ____ shall constitute final agency action; provided that judicial review of any determination by the Secretary under this Act shall be limited to whether the Secretary's decision was based on a consideration of the relevant factors prescribed by this Act and whether the Secretary proceeded in a manner consistent with this Act.

(g) JUDICIAL REVIEW. Written determinations by the Secretary under subsection (e) and the calculation of a revised incidental take limit under Section ____ shall constitute final agency action; provided that judicial review of any determination by the Secretary under this Act shall be limited to review under 5 U.S.C. section 706(b)(2)(D).

For your reference, the following is the text of section 706:

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

- (1) compel agency action unlawfully withheld or unreasonably delayed; and
- (2) hold unlawful and set aside agency action, findings, and conclusions found to be—
 - (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
 - (B) contrary to constitutional right, power, privilege, or immunity;
 - (C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;
 - (D) without observance of procedure required by law;
 - (E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or
 - (F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial

Tom

From: Bernhardt, David L.
Sent: Sunday, August 24, 2014 9:22 AM
To: Thomas W. (Tom) Birmingham Esq.
Subject: Fwd: standard for smelt working group recommendations

Fish views

David Bernhardt

Begin forwarded message:

From: "Watts, John (Feinstein)" <John_Watts@feinstein.senate.gov>
Date: August 24, 2014 at 9:15:19 AM PDT
To: "'DBernhardt@BHFS.com'" <DBernhardt@BHFS.com>
Subject: Fw: standard for smelt working group recommendations

From Peg

From: Romanik, Peg [<mailto:peg.romanik@sol.doi.gov>]
Sent: Sunday, August 24, 2014 12:00 PM Eastern Standard Time
To: Watts, John (Feinstein)
Cc: Lohofener, Ren <Ren_Lohofener@fws.gov>; Larry Rabin <larry_rabin@fws.gov>
Subject: standard for smelt working group recommendations

Good afternoon John,

I reviewed many of the delta smelt reports from the website Larry Rabin sent us with an eye toward your question about what "standard" is used by the delta smelt working group to make the weekly recommendations.

From the reports, it is clear that the group consistently referred back to specific standards set in the RPAs and Incidental Take Statement (ITS) from the 2008 biological opinion (biop), reviewed the current conditions as they relate to the smelt's distribution, current salvage, and Delta conditions, and, then, assessed what risks those conditions posed to smelt. The reports are complete; they include the data that was considered as well as the points of discussion and, in some cases, where there was disagreement.

I surmise that the operators want a generic standard for the smelt working group recommendations like "not likely to jeopardize" to be part of the bill language. Essentially, the group already, at a very minimum, has a standard of "not likely to jeopardize" but, as discussed above, their role is to assess conditions against the standards that were set in the biop/ITS. Presumably if the group follows the standards as set out in the biop/ITS there would be no jeopardy to the smelt from any recommendations made by the working group. Writing such a standard - not likely to jeopardize- into bill language could be read to imply that any action assessed by the delta smelt working group is acceptable as long as it will not jeopardize listed species. This sets the bar far too low and ignores that the assessment is just one part of an overall action agency

operation that was subject to a complex consultation and analyzed in the 2008 biop.

The reports need to be read in the context of the role the delta smelt working group plays in the 2008 biop. The group is not performing a mini-consultation each time they issue recommendations. The group could not make such assessments each time it met - determining whether the overall action jeopardizes or does not jeopardize listed species is an overarching conclusion about the operation in the big picture and involves many more particulars than can be processed in the time-frame the group operates under.

I hope this is of some help. Please feel free to call me if you want to talk about any of these issues. My cell is (202) [REDACTED].

Peg

Peg Romanik
Counselor to the Solicitor
Office of the Solicitor
U.S. Department of the Interior
Office: (202)208-5578
Cell: (202) [REDACTED]

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From: Bernhardt, David L.
Sent: Sunday, August 24, 2014 9:23 AM
To: Thomas W. (Tom) Birmingham Esq.
Subject: Fwd: Smelt Working Group Website

Fish views

David Bernhardt

Begin forwarded message:

From: "Watts, John (Feinstein)" <John_Watts@feinstein.senate.gov>
Date: August 24, 2014 at 9:16:06 AM PDT
To: "'DBernhardt@BHFS.com'" <DBernhardt@BHFS.com>
Subject: Fw: Smelt Working Group Website

Earlier email from Larry

From: Rabin, Larry [mailto:larry_rabin@fws.gov]
Sent: Friday, August 22, 2014 07:15 PM Eastern Standard Time
To: Watts, John (Feinstein)
Cc: Ren Lohofener <Ren_Lohofener@fws.gov>; Peg Romanik <peg.romanik@sol.doi.gov>
Subject: Smelt Working Group Website

Dear John,

Thanks for taking the time to talk with us today to discuss the draft language in the drought-related legislation.

As I mentioned on today's call, notes from the Smelt Working Group (which makes real-time recommendations to the FWS with respect to implementation of the BiOp) can be found at the following website:

http://www.fws.gov/sfbaydelta/cvp-swp/smelt_working_group.cfm

I hope this information proves useful to you.

Best,
-Larry

Larry A. Rabin, Ph.D., Deputy Field Supervisor
Bay-Delta Fish and Wildlife Office
650 Capitol Mall, Suite 8-300
Sacramento, CA 95814

Phone: 916-930-5603 | FAX: 916-930-5654
Email: larry_rabin@fws.gov

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From: Tom Birmingham
Sent: Monday, August 25, 2014 9:47 AM
To: David L. Bernhardt
Subject: Fwd: SWP protection

FYI

Sent from my iPad

Begin forwarded message:

From: "Tom Birmingham" <tbirmingham@westlandswater.org>
Date: August 25, 2014 at 10:45:10 AM MDT
To: "Watts, John (Feinstein)" <John_Watts@feinstein.senate.gov>
Subject: Re: SWP protection

John,

The first sentence of this language would over ride COA (I know it says "unless otherwise specified in the Coordinate Operations Agreement," but the COA does not specify how water will be shared in these circumstances). The second sentence would subject the CVP to the State ESA, and this language would apply regardless of why the SWP cannot divert. I suggest the following:

"If as a result of the application of this Act, the California Department of Fish and Wildlife revokes a consistency determination issued pursuant to California Fish and Game Code section 2080.1 for operation of the State Water Project, the water supply benefits, if any, derived by the Central Valley Project as a result of this Act shall be shared equally with the State Water Project."

This language is a big give. I hope it is acceptable to MWD and Kern.

Tom

Sent from my iPad

On Aug 25, 2014, at 10:27 AM, "Watts, John (Feinstein)" <John_Watts@feinstein.senate.gov> wrote:

Tom, Are you agreeable to this language?

John

From: Patterson, Roger K [<mailto:RPatterson@mwdh2o.com>]
Sent: Monday, August 25, 2014 12:27 PM
To: Watts, John (Feinstein)

Cc: Tom Birmingham (tbirmingham@westlandswater.org)

Subject: SWP protection

John – revised proposed language developed with the State Water Contractors:

The Central Valley Project and the State Water Project shall share equally, unless otherwise specified in the Coordinated Operations Agreement, any water supply benefits provided by this Act; and to the extent the State Water Project cannot divert its share due to its compliance with the California Endangered Species Act, the Secretary shall provide to the State Water Project a water supply benefit equivalent to its equal share of water provided by this Act.

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From: Tom Birmingham
Sent: Friday, August 29, 2014 6:01 AM
To: Catherine Karen; David Bernhardt
Subject: Headline in Today's Sacramento bee
Attachments: photo.JPG; Untitled attachment 20858.txt

Catherine and David attached is a photograph of the headline in today's Sacramento Bee.

Sent from my iPhone

From: Bernhardt, David L.

Sent: Wednesday, September 3, 2014 5:26 PM

To: Brenda Burman; Thomas W. (Tom) Birmingham Esq.

Subject: Redline

Attachments: REDLINE_11543401v1_Johnssubmission - 11543293v1_Administrationslanguage.pdf; ATT00001.htm; REDLINE_11543401v1_Johnssubmission - 11543293v1_Administrationslanguage (11543454-1).DOCX; ATT00002.htm

Brenda and Tom: Here is a redline of the original. I think it is completely unhelpful, but I'm sending it to you because I said I would. I will do a separate redline to their document, with suggested revisions based on the original that was sent, which could serve as the pass back, which I will send you in the morning.

David

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~~Title I. ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME
MONITORING AND UPDATED SCIENCE.~~

SEC. ~~2.~~101. FINDINGS.

Congress finds that—

(1) The 2008 smelt biological opinion and 2009 salmon biological opinion contain reasonable and prudent alternatives to ~~protect endangered fish species from being harmed~~avoid jeopardizing the continued existence of fish species listed under the Endangered Species Act and destruction or adverse modification of their critical habitat by operation of the Central Valley Project and State Water Project.

(2) ~~These~~Among other things, the reasonable and prudent alternatives in the biological opinions contain measures that can restrict the amount of water pumping that can occur to deliver water for agricultural, municipal, industrial, groundwater, and refuge uses within the Central Valley of California.

(3) ~~Data on the difference between water~~The demand ~~and reliable water supplies for various regions south of the delta, including the San Joaquin Valley, indicate there is a significant annual gap between~~for reliable water supplies to meet agricultural, municipal and industrial, groundwater, and refuges water needs for various regions south of the Sacramento-San Joaquin River Delta and north of the Tehachapi mountain range within the South of Delta and Friant Division of the Central Valley Project and the State Water Project ~~south of the Sacramento-San Joaquin River Delta and north of the Tehachapi mountain range and the demands of those areas. This gap varies depending on the methodology of the analysis performed, but can include representation in the following ways:~~significantly exceeds available supplies.

~~(a) For Central Valley Project South of Delta water service contractors, if it is assumed that a water supply deficit is the difference in the amount of water available for allocation versus the maximum contract quantity, particularly in more recent years, then the water supply deficits that have developed from 1992 to 2014 as a result of changes besides natural variations in hydrology during this timeframe range between 720,000 and 1,100,000 acre feet.~~

~~(b) For Central Valley Project and State Water Project water service contractors south of the Delta and north of the Tehachapi mountain range, if it is assumed that a water supply deficit is the difference between reliable water supplies, including maximum water contract deliveries, safe yield of groundwater, safe yield of local and surface supplies and long term contracted water transfers, and water demands, including water demands from agriculture, municipal and industrial and refuge contractors, then the water supply deficit ranges between approximately 2,500,000 to 2,700,000 acre feet.~~

~~(c) State's analysis (pending information from DWR, ETA early week of 8/25)~~

~~(4) Since the issuance of the biological opinions, considerably uncertainty still exists about the benefits to endangered fish populations from water pumping restrictions. For~~

~~example, hydrodynamic data, acoustic telemetry studies, and other recent studies found that through Delta survival rates of salmonid species do not correlate directly and clearly with certain water pumping restrictions, in particular limitations to Old and Middle River flows to levels less negative than -5000 cubic feet per second.~~

~~(5) Data of pumping activities at the Central Valley Project and State Water Project delta pumps identifies that, on average from 2008 to 2014, pumping activity takes 893 delta smelt annually with an authorized take level of 5,003 delta smelt annually—according to the biological opinion issued December 15, 2008.~~

~~(6) It is worth exploring whether there is a way to implement the~~(4) ~~These current biological opinions that would~~authorize and encourage opportunities to adjust operations based upon new scientific information in order to preserve the protections afforded ~~endangered~~listed fish and simultaneously increase water deliveries to the Central Valley Project and State Water Project without weakening environmental laws or protections.

~~(7)~~(5) In 2014, ~~better~~additional information exists than was known in 2008 concerning conditions and operations that may ~~or may not lead to high salvage events that~~ jeopardize the fish populations, and what alternative management actions can be taken to avoid jeopardy.

~~(8)~~(6) Alternative management strategies, such as ~~trapping and barging juvenile salmon through the Delta,~~ removing non-native species, enhancing habitat, and monitoring fish movement and location in real-time ~~can~~may contribute ~~significantly~~ to protecting and recovering these ~~endangered~~listed fish species, and at potentially lower costs to water supplies.

~~SEC. 3. DEFINITIONS.~~

In this Act:

~~(1) DELTA.—The term “Delta” means the Sacramento-San Joaquin Delta and the Suisun Marsh, as defined in sections 12220 and 29101 of the California Public Resources Code.~~

~~(2) OMR.—The term “OMR” means the Old and Middle River in the Delta.~~

~~(3) OMR FLOW OF -5000 CFS.—The term “OMR flow of -5000 cfs” means Old and Middle River flow of negative 5,000 cubic feet per second as measured by—~~

~~(A) the smelt biological opinion; and~~

~~(B) the salmonid biological opinion.~~

~~(4) SALMONID BIOLOGICAL OPINION.—The term “salmonid biological opinion” means the biological opinion issued by the National Marine Fisheries Service on June 4, 2009.~~

~~(5) SMELT BIOLOGICAL OPINION.—The term “smelt biological opinion” means the biological opinion on the Long-Term Operational Criteria and Plan for coordination of the~~

~~Central Valley Project and State Water Project issued by the United States Fish and Wildlife Service on December 15, 2008.~~

~~(6) STATE.— The term “State” means the State of California.~~

~~(7) TO AVOID JEOPARDY.— The term “to avoid jeopardy” means to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.~~ Additional research should be done to determine the effectiveness of management strategies that do not affect water delivery management strategies, such as removing non-native species, enhancing habitat, and monitoring fish movement and location in real-time, in protecting and recovering these imperiled fish species that are addressed in the 2008 and 2009 biological opinions.

~~TITLE I — ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE~~

~~SEC. 101. DEFINITIONS.~~

In this title:

~~(1) DIRECTOR.— The term “Director” means the Director of the United States Fish and Wildlife Service.~~

~~(2) DELTA SMELT.— The term “delta smelt” means the fish species with the scientific name *Hypomesus transpacificus*.~~

~~(3) SECRETARY.— The term “Secretary” means the Secretary of the Interior.~~

~~SEC.~~ SEC. 102. REVISE INCIDENTAL TAKE LEVEL CALCULATION FOR DELTA SMELT TO REFLECT NEW SCIENCE.

(a) In General.— ~~Not later than October 1, 2015, consistent~~ Consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (including regulations) and subsection (b), the Director ~~shall modify the method of calculating the incidental take level in the smelt biological opinion—~~ of the Fish and Wildlife Service shall work in a collaborative fashion to better understand methods of reducing entrainment risk to delta smelt and better understand delta smelt population effects as a result of entrainment. To accomplish these goals, the Service will

(1) ~~to use the best salvage information available from 1993 to 2012~~ scientific and commercial data;

(2) ~~to take into account—~~ use:

(A) new and updated statistical models, especially the delta smelt life history model;

(B) updated scientific data, especially data gained from surveys specifically designed to study delta smelt distribution and abundance and the early warning surveys; and

- (C) ~~improved~~ studies designed specifically to improve understanding of ~~Delta~~ delta smelt entrainment dynamics; and
- (3) ~~to better represent actual~~ endeavor to understand loss of delta smelt due to entrainment and the population level impact of entrainment while allowing operations according to the reasonable and prudent alternatives described in the smelt biological opinion.
- (b) Modified Incidental Take Level. ~~Unless the Director determines in writing that all or part of the requirements described in paragraphs (1) through (4) are not appropriate, the modified incidental take level described in subsection (a) shall—~~ Limit [Level]. ~~— No later than October 1, 2015, the Service shall use the best scientific and commercial data and best science, including new and improved modeling, to complete a review and modification, if warranted, of the incidental take level in the smelt biological opinion.~~
- (1) ~~be normalized for the abundance of prespawning adult Delta smelt using the Fall Midwater Trawl Index or other index;~~
- (2) ~~be based on a simulation of the salvage that would have occurred from 1993 through 2012 if OMR flow had been consistent with the smelt biological opinion;~~
- (3) ~~base that simulation on a correlation between annual salvage rates and historic water clarity and OMR flow during the adult salvage period; and~~
- (4) ~~set the incidental take level as the 80 percent upper prediction interval derived from simulated salvage rates from 1993 through 2012.~~

~~SEC~~ SEC. 103. FACTORING INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE INTO DELTA SMELT MANAGEMENT.

- (a) In General.—The reasonable and prudent alternatives described in the 2008 delta smelt biological opinion shall be implemented consistent with the best scientific and commercial data available.
- (b) Increased Monitoring to Inform Real-time Operations. ~~Effective during the period beginning on December 1, 2014 and ending March 31, 2015, and in each successive December through March period, if high suspended sediment loads enter the Delta from the Sacramento River and appear likely to raise turbidity levels in Old River north of the export pumps from values below 12 Nephelometric Turbidity Units to values above 12 Nephelometric Turbidity Units~~ On an annual basis at the appropriate time of the year based on environmental conditions, in collaboration with other delta science interests, the Director shall—
- (1) ~~conduct daily Kodiak Trawls in Old River in the vicinity of Station 902~~ use the best survey methods at the most appropriate locations to detect adult ~~Delta~~ delta smelt that might be ~~moving within the~~ associated with increased turbidity ~~cloud toward the export pumps~~; and
- (2) use results from those ~~trawls~~ survey methods to help determine how data from increased ~~trawling can inform in real time the~~ surveys can improve risk assessment for delta smelt entrainment that may result from maximum rates of exports ~~without risk of causing jeopardy.~~

(c) Periodic Review of Monitoring.—At least once every 5 years, the Director shall—

- (1) evaluate whether the monitoring program under subsection (b), combined with other monitoring programs for the ~~Delta~~delta, is providing sufficient data to inform operations; and
- (2) determine whether the monitoring efforts should be changed in the short- or long-term to provide more useful data.

(d) Delta Smelt Distribution Study.—

(1) IN GENERAL.—~~In 2015, and every five years thereafter,~~ the United States Fish and Wildlife Service ~~shall perform targeted sampling studies and monitoring to determine the geographic areas and types of habitat occupied by delta smelt during all life stages, in collaboration with other delta science partners, shall implement surveys specifically designed to understand delta smelt abundance and distribution.~~

(2) SAMPLING.—~~The~~ the sampling—

- (A) shall include recording water quality and tidal data;
- (B) ~~should generally occur in areas not routinely sampled by existing monitoring programs, including wetland channels, near shore water, depths below 35 feet, and shallow water; and~~ will be designed to best understand delta smelt abundance, distribution, and movements throughout the Bay Delta during all seasons; and
- (C) ~~may require sampling gears not used during existing monitoring programs.~~ will use the best survey methods, including sampling gear.

(e) Scientifically Supported Implementation of Old and Middle River Flow Requirements.—Effective beginning December 1, 2014, in managing negative flow in the Old and Middle Rivers from December ~~to~~ through June within the range established by the smelt biological opinion or any successor biological opinion, the Secretary shall—

- (1) consider the relevant provisions of the biological opinion or any successor opinion;
- (2) document any significant facts about real-time conditions relevant to the determinations of the Secretary of rates at which reverse OMR flow will be managed, including—

(A) whether ~~targeted real-time fish monitoring in Old River in the vicinity of Bacon Island~~ the early warning surveys conducted at the most appropriate locations pursuant to this section ~~indicates~~ or other risk factors indicate that a significant increase in the ~~salvage~~ entrainment of Delta smelt is imminent; and

(B) whether ~~near term forecasts with available salvage models show~~ environmental conditions, results from early warning surveys, turbidity modeling, particle tracking, or any and all other relevant scientific or commercial information indicate under prevailing conditions that OMR flow ~~of more restrictive than~~ -5000 cfs ~~will cause is needed to avoid a significant probability of~~ substantially increased take of delta smelt; and

~~(3) document—~~

~~(A) the basis for the determination of the Secretary to require raised or lowered OMR~~

~~flow level within the range established by the smelt biological opinion or any successor biological opinion, including an explanation of the data examined and the connection between the data and the choice made; and~~

~~(B) a showing that any limitation of OMR flow to levels less negative than 5000 cubic feet per second in the short term is necessary to avoid jeopardy after considering other alternatives, if any, that may have a lesser water supply impact. In making any such showing, the Secretary shall consider the effects of managing negative flow in Old and Middle River flow consistent with the definition of “effects of the action” contained at 50 C.F.R. Part 402.02 and the definitions included in this title.~~

(f) Level of Detail Required for Analysis.—In documenting the determinations under subsection (e), the Secretary shall fully satisfy the requirements of paragraphs (1) ~~through~~ and (32) of subsection (e) but is not required to provide a greater level of supporting detail for the analysis than feasible to provide within the short time frame permitted for timely ~~decisionmaking~~ decision making in response to changing conditions in the Delta.

Document comparison by Workshare Compare on Wednesday, September 03, 2014 7:34:57 PM

Input:	
Document 1 ID	interwovenSite://DMS/ACTIVE/11543401/1
Description	#11543401v1<ACTIVE> - Johnssubmission
Document 2 ID	interwovenSite://DMS/ACTIVE/11543293/1
Description	#11543293v1<ACTIVE> - Administrationslanguage
Rendering set	bhfs standard

Legend:	
<u>Insertion</u>	
Deletion	
<u>Moved from</u>	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	61
Deletions	88
Moved from	3
Moved to	3
Style change	0
Format changed	0
Total changes	155

Title I. ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE.

SEC. ~~2.~~ 101. FINDINGS.

Congress finds that—

(1) The 2008 smelt biological opinion and 2009 salmon biological opinion contain reasonable and prudent alternatives to ~~protect endangered fish species from being harmed~~avoid jeopardizing the continued existence of fish species listed under the Endangered Species Act and destruction or adverse modification of their critical habitat by operation of the Central Valley Project and State Water Project.

(2) ~~These~~Among other things, the reasonable and prudent alternatives in the biological opinions ~~contain measures that can~~ restrict the amount of water pumping that can occur to deliver water for agricultural, municipal, industrial, groundwater, and refuge uses within the Central Valley of California.

(3) ~~Data on the difference between water~~The demand and reliable water supplies for various regions south of the delta, including the San Joaquin Valley, indicate there is a significant annual gap betweenfor reliable water supplies to meet agricultural, municipal and industrial, groundwater, and refuges water needs for various regions south of the Sacramento-San Joaquin River Delta and north of the Tehachapi mountain range within the South of Delta and Friant Division of the Central Valley Project and the State Water Project ~~south of the Sacramento-San Joaquin River Delta and north of the Tehachapi mountain range and the demands of those areas. This gap varies depending on the methodology of the analysis performed, but can include representation in the following ways:~~ significantly exceeds available supplies.

(a) ~~For Central Valley Project South of Delta water service contractors, if it is assumed that a water supply deficit is the difference in the amount of water available for allocation versus the maximum contract quantity, particularly in more recent years, then the water supply deficits that have developed from 1992 to 2014 as a result of changes besides natural variations in hydrology during this timeframe range between 720,000 and 1,100,000 acre feet.~~

(b) ~~For Central Valley Project and State Water Project water service contractors south of the Delta and north of the Tehachapi mountain range, if it is assumed that a water supply deficit is the difference between reliable water supplies, including maximum water contract deliveries, safe yield of groundwater, safe yield of local and surface supplies and long-term contracted water transfers, and water demands, including water demands from agriculture, municipal and industrial and refuge contractors, then the water supply deficit ranges between approximately 2,500,000 to 2,700,000 acre feet.~~

~~(c) State's analysis (pending information from DWR, ETA early week of 8/25)~~

~~(4) Since the issuance of the biological opinions, considerably uncertainty still exists about the benefits to endangered fish populations from water pumping restrictions. For~~

~~example, hydrodynamic data, acoustic telemetry studies, and other recent studies found that through Delta survival rates of salmonid species do not correlate directly and clearly with certain water pumping restrictions, in particular limitations to Old and Middle River flows to levels less negative than -5000 cubic feet per second.~~

~~(5) Data of pumping activities at the Central Valley Project and State Water Project delta pumps identifies that, on average from 2008 to 2014, pumping activity takes 893 delta smelt annually with an authorized take level of 5,003 delta smelt annually—according to the biological opinion issued December 15, 2008.~~

~~(6) It is worth exploring whether there is a way to implement the~~(4) These current biological opinions that would authorize and encourage opportunities to adjust operations based upon new scientific information in order to preserve the protections afforded endangered listed fish and simultaneously increase water deliveries to the Central Valley Project and State Water Project without weakening environmental laws or protections.

~~(75) In 2014, better~~additional information exists than was known in 2008 concerning conditions and operations that may ~~or may not lead to high salvage events that~~ jeopardize the fish populations, and what alternative management actions can be taken to avoid jeopardy.

~~(86) Alternative management strategies, such as trapping and barging juvenile salmon through the Delta, removing non-native species, enhancing habitat, and monitoring fish movement and location in real-time can~~may contribute ~~significantly~~ to protecting and recovering these endangered listed fish species, and at potentially lower costs to water supplies.

SEC. 3. DEFINITIONS.

~~In this Act:~~

~~(1) DELTA.—The term “Delta” means the Sacramento-San Joaquin Delta and the Suisun Marsh, as defined in sections 12220 and 29101 of the California Public Resources Code.~~

~~(2) OMR.—The term “OMR” means the Old and Middle River in the Delta.~~

~~(3) OMR FLOW OF -5000 CFS.—The term “OMR flow of -5000 cfs” means Old and Middle River flow of negative 5,000 cubic feet per second as measured by—~~

~~(A) the smelt biological opinion; and~~

~~(B) the salmonid biological opinion.~~

~~(4) SALMONID BIOLOGICAL OPINION.—The term “salmonid biological opinion” means the biological opinion issued by the National Marine Fisheries Service on June 4, 2009.~~

~~(5) SMELT BIOLOGICAL OPINION.—The term “smelt biological opinion” means the biological opinion on the Long-Term Operational Criteria and Plan for coordination of the~~

~~Central Valley Project and State Water Project issued by the United States Fish and Wildlife Service on December 15, 2008.~~

~~(6) STATE.— The term “State” means the State of California.~~

~~(7) TO AVOID JEOPARDY.— The term “to avoid jeopardy” means to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species. Additional research should be done to determine the effectiveness of management strategies that do not affect water delivery management strategies, such as removing non-native species, enhancing habitat, and monitoring fish movement and location in real-time, in protecting and recovering these imperiled fish species that are addressed in the 2008 and 2009 biological opinions.~~

~~TITLE I — ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL TIME MONITORING AND UPDATED SCIENCE~~

~~SEC. 101. DEFINITIONS.~~

~~In this title:~~

~~(1) DIRECTOR.— The term “Director” means the Director of the United States Fish and Wildlife Service.~~

~~(2) DELTA SMELT.— The term “delta smelt” means the fish species with the scientific name *Hypomesus transpacificus*.~~

~~(3) SECRETARY.— The term “Secretary” means the Secretary of the Interior.~~

~~SEC.~~ SEC. 102. REVISE INCIDENTAL TAKE LEVEL CALCULATION FOR DELTA SMELT TO REFLECT NEW SCIENCE.

(a) In General.— ~~Not later than October 1, 2015, consistent~~ Consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (including regulations) and subsection (b), the Director ~~shall modify the method of calculating the incidental take level in the smelt biological opinion—~~ of the Fish and Wildlife Service shall work in a collaborative fashion to better understand methods of reducing entrainment risk to delta smelt and better understand delta smelt population effects as a result of entrainment. To accomplish these goals, the Service will

~~(1) to use the best salvage information available from 1993 to 2012~~ scientific and commercial data;

~~(2) to take into account —~~ use:

~~(A) new and updated statistical models,~~ especially the delta smelt life history model;

~~(B) updated scientific data,~~ especially data gained from surveys specifically designed to study delta smelt distribution and abundance and the early warning surveys; and

- (C) ~~improved studies designed specifically to improve~~ understanding of ~~Deltadelta~~ smelt entrainment dynamics; and
- (3) ~~to better represent actual endeavor to understand loss of delta smelt due to~~ entrainment and the population level impact of entrainment while allowing operations according to the reasonable and prudent alternatives described in the smelt biological opinion.
- (b) Modified Incidental Take Level.— ~~Unless the Director determines in writing that all or part of the requirements described in paragraphs (1) through (4) are not appropriate, the modified incidental take level described in subsection (a) shall—~~ Limit [Level].— No later than October 1, 2015, the Service shall use the best scientific and commercial data and best science, including new and improved modeling, to complete a review and modification, if warranted, of the incidental take level in the smelt biological opinion.
- (1) ~~be normalized for the abundance of prespawning adult Delta smelt using the Fall Midwater Trawl Index or other index;~~
- (2) ~~be based on a simulation of the salvage that would have occurred from 1993 through 2012 if OMR flow had been consistent with the smelt biological opinion;~~
- (3) ~~base that simulation on a correlation between annual salvage rates and historic water clarity and OMR flow during the adult salvage period; and~~
- (4) ~~set the incidental take level as the 80 percent upper prediction interval derived from simulated salvage rates from 1993 through 2012.~~

~~SEC~~SEC. 103. FACTORING INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE INTO DELTA SMELT MANAGEMENT.

(a) In General.—The reasonable and prudent alternatives described in the 2008 delta smelt biological opinion shall be implemented consistent with the best scientific and commercial data available.

(b) Increased Monitoring to Inform Real-time Operations.—~~Effective during the period beginning on December 1, 2014 and ending March 31, 2015, and in each successive December through March period, if high suspended sediment loads enter the Delta from the Sacramento River and appear likely to raise turbidity levels in Old River north of the export pumps from values below 12 Nephelometric Turbidity Units to values above 12 Nephelometric Turbidity Units~~ On an annual basis at the appropriate time of the year based on environmental conditions, in collaboration with other delta science interests, the Director shall—

- (1) ~~conduct daily Kodiak Trawls in Old River in the vicinity of Station 902 use the best survey methods at the most appropriate locations to detect adult Deltadelta smelt that might be moving within the associated with increased turbidity cloud toward the export pumps; and~~
- (2) ~~use results from those trawls survey methods to help determine how data from increased trawling can inform in real time the surveys can improve risk assessment for delta smelt entrainment that may result from maximum rates of exports without risk of causing jeopardy.~~

(c) Periodic Review of Monitoring.—At least once every 5 years, the Director shall—

(1) evaluate whether the monitoring program under subsection (b), combined with other monitoring programs for the ~~Delta~~delta, is providing sufficient data to inform operations; and

(2) determine whether the monitoring efforts should be changed in the short- or long-term to provide more useful data.

(d) Delta Smelt Distribution Study.—

(1) IN GENERAL.—~~In 2015, and every five years thereafter,~~ the United States Fish and Wildlife Service ~~shall perform targeted sampling studies and monitoring to determine the geographic areas and types of habitat occupied by delta smelt during all life stages, in collaboration with other delta science partners, shall implement surveys specifically designed to understand delta smelt abundance and distribution.~~

(2) SAMPLING.—~~The~~ the sampling—

(A) shall include recording water quality and tidal data;

(B) ~~should generally occur in areas not routinely sampled by existing monitoring programs, including wetland channels, near shore water, depths below 35 feet, and shallow water; and~~ will be designed to best understand delta smelt abundance, distribution, and movements throughout the Bay Delta during all seasons; and

(C) ~~may require sampling gears not used during existing monitoring programs. will~~ use the best survey methods, including sampling gear.

(e) Scientifically Supported Implementation of Old and Middle River Flow Requirements.—Effective beginning December 1, 2014, in managing negative flow in the Old and Middle Rivers from December ~~to~~through June within the range established by the smelt biological opinion or any successor biological opinion, the Secretary shall—

(1) consider the relevant provisions of the biological opinion or any successor opinion;

(2) document any significant facts about real-time conditions relevant to the determinations of the Secretary of rates at which reverse OMR flow will be managed, including—

(A) ~~whether targeted real-time fish monitoring in Old River in the vicinity of Bacon Island~~ the early warning surveys conducted at the most appropriate locations pursuant to this section ~~indicates or other risk factors indicate~~ that a significant increase in the salvage entrainment of Delta smelt is imminent; and

(B) ~~whether near term forecasts with available salvage models show environmental conditions, results from early warning surveys, turbidity modeling, particle tracking, or any and all other relevant scientific or commercial information indicate~~ under prevailing conditions that OMR flow of more restrictive than -5000 cfs will cause is needed to avoid a significant probability of substantially increased take of delta smelt; ~~and.~~

~~(3) document—~~

~~(A) the basis for the determination of the Secretary to require raised or lowered OMR~~

~~flow level within the range established by the smelt biological opinion or any successor biological opinion, including an explanation of the data examined and the connection between the data and the choice made; and~~

~~(B) a showing that any limitation of OMR flow to levels less negative than 5000 cubic feet per second in the short term is necessary to avoid jeopardy after considering other alternatives, if any, that may have a lesser water supply impact. In making any such showing, the Secretary shall consider the effects of managing negative flow in Old and Middle River flow consistent with the definition of “effects of the action” contained at 50 C.F.R. Part 402.02 and the definitions included in this title.~~

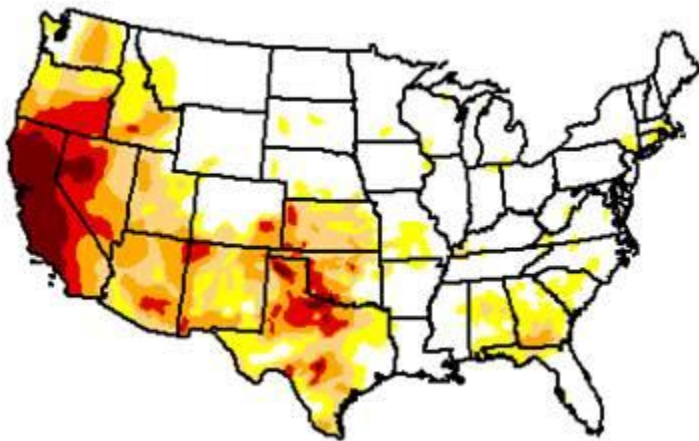
(f) Level of Detail Required for Analysis.—In documenting the determinations under subsection (e), the Secretary shall fully satisfy the requirements of paragraphs (1) ~~through and~~ (32) of subsection (e) but is not required to provide a greater level of supporting detail for the analysis than feasible to provide within the short time frame permitted for timely ~~decisionmaking~~decision making in response to changing conditions in the Delta.

From: James Watson
Sent: Thursday, September 4, 2014 6:39 AM
To: David L. Bernhardt
Subject: OPS: Current Drought Conditions (Maps)

David

Here are the continental US & California (by county) maps published today by the University of Nebraska at Lincoln's National Drought Mitigation Center. The maps clearly show a need at the national level to address the injury this drought is causing to California and to a lesser extent, our neighbors. If there is any good news, the CA "heat map" has not changed since last week, but this may be a result of the data is collected on Tuesday with Monday having been a national holiday.

Future, near-term: Based on the NWS WPC 7-Day Quantitative Precipitation Forecast (QPF). "In the Far West, dry conditions are forecasted to persist across California, the Great Basin, and most of the Pacific Northwest. The 6–10 day outlooks call for a high probability of above-normal temperatures across the Far West. Regarding precipitation, a high probability of Below-normal precipitation is expected across the Pacific Northwest."





Let me know if there is anything I can do to assist in your efforts.

Jim Watson, PE
Westlands Water District
Cell: 559 [REDACTED]

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From: Bernhardt, David L.
Sent: Thursday, September 4, 2014 7:50 AM
To: Brenda Burman (bburman@tnc.org)
CC: Thomas W. Birmingham (tbirmingham@westlandswater.org)
Subject: Redline of admin Draft
Attachments: smelt language admin 8-28-14 (11543843-1).DOCX

Brenda: Here is a reline of the what I think are the needed changes to the administration's draft, except for those that I thought were in your wheelhouse. If you can work on those portions and review the changes I suggest and then pass it back to me, we can confer and then send it to Roger and Tom. I did not change the incidental take language since Roger and Tom are going to talk to Ren. I also operated on the theory that we were trying to make the minimal changes possible. For example, I avoided any changes to the findings.

Best,
David

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Title I. ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE.

SEC. 101. FINDINGS.

Congress finds that—

(1) The 2008 smelt biological opinion and 2009 salmon biological opinion contain reasonable and prudent alternatives to avoid jeopardizing the continued existence of fish species listed under the Endangered Species Act and destruction or adverse modification of their critical habitat by operation of the Central Valley Project and State Water Project.

(2) Among other things, the reasonable and prudent alternatives in the biological opinions contain measures that can restrict the amount of water pumping that can occur to deliver water for agricultural, municipal, industrial, groundwater, and refuge uses within the Central Valley of California.

(3) The demand for reliable water supplies to meet agricultural, municipal and industrial, groundwater, and refuges water needs for various regions south of the Sacramento-San Joaquin River Delta and north of the Tehachapi mountain range within the South of Delta and Friant Division of the Central Valley Project and the State Water Project significantly exceeds available supplies.

(4) These current biological opinions authorize and encourage opportunities to adjust operations based upon new scientific information in order to preserve the protections afforded listed fish and simultaneously increase water deliveries to the Central Valley Project and State Water Project without weakening environmental laws or protections.

(5) In 2014, additional information exists than was known in 2008 concerning conditions and operations that may jeopardize the fish populations, and what alternative management actions can be taken to avoid jeopardy.

(6) Alternative management strategies, such as removing non-native species, enhancing habitat, and monitoring fish movement and location in real-time may contribute to protecting and recovering these listed fish species, and at potentially lower costs to water supplies.

(7) Additional research should be done to determine the effectiveness of management strategies that do not affect water delivery management strategies, such as removing non-native species, enhancing habitat, and monitoring fish movement and location in real-time, in protecting and recovering these imperiled fish species that are addressed in the 2008 and 2009 biological opinions.

Commented [BHFS1]: I did not change the findings. This is a pure policy fight and based on a standard of what is absolutely necessary to change I don't think these need to go, but I think the House will insist on a host of other changes because this tilts the bill.

SEC. 102. REVISE INCIDENTAL TAKE LEVEL CALCULATION FOR DELTA SMELT TO REFLECT NEW SCIENCE.

(a) In General.—Not later than _____, consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (including regulations) and subsection (b), the Director of the Fish and Wildlife Service shall modify the incidental take level in the smelt biological opinion work in a collaborative fashion to better understand methods of reducing entrainment risk to delta smelt and better understand delta smelt population effects as a result of

Commented [BHFS2]: The definitions section is missing, so for the purposes of this draft, I am assuming that the definitions are coming back in. If they were not, there would need to be additional modifications here.

~~entrainment. To accomplish these goals, the Service will~~

(1) ~~to use the~~ the best salvage information available from 1993 to the most current year ~~for which data are available, best scientific and commercial data;~~

(2) ~~to take into account~~use:

(A) ~~new and updated statistical models, especially the delta smelt life history model~~models;

(B) updated scientific data, especially data gained from surveys specifically designed to study delta smelt distribution and abundance and the early warning surveys; and

(C) studies designed specifically to improve understanding of delta smelt entrainment dynamics; and

(3) ~~to better represent actual endeavor to understand loss of delta smelt due to~~ entrainment and the population level impact of entrainment while ~~providing for allowing~~ operations ~~consistent with according to~~ the reasonable and prudent alternatives described in the smelt biological opinion.

(b) ~~Modified~~ Incidental Take Limit [Level].— ~~No later than October 1, 2015, the Service shall will~~ shall use the best scientific and commercial data and best science, to ~~including~~including new and improved modeling, to ~~complete a review and~~ modification incorporate revised incidental take limits, if warranted, ~~of the incidental take level in the smelt~~all new biological opinions, including revisions of existing opinions, that address delta smelt entrainment.

Commented [BHFS3]: Roger and Tom are going to talk to Ren about this.

SEC. 103. FACTORING INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE INTO DELTA SMELT MANAGEMENT.

(a) In General.—The reasonable and prudent alternatives described in the 2008 delta smelt biological opinion shall be implemented consistent with the best scientific and commercial data available.

(b) Increased Monitoring to Inform Real-time ~~Operations~~.— On an annual basis at the appropriate time of the year based on environmental conditions, in collaboration with other delta science interests, the Director shall—

Commented [BHFS4]: Brenda it is my understanding from the call that you will work with your team on what monitoring and surveys should be required, so I am not putting that in.

(1) use the best survey methods at the most appropriate locations to detect adult delta smelt that might be associated with increased ~~turbidity~~; and

(2) use results from those survey methods to help determine how data from increased surveys ~~can inform in real-time to achieve maximum export pumping rates can improve risk assessment for delta smelt entrainment that may result from maximum rates of exports without risk of causing jeopardy.~~

Commented [BHFS5]: This should be revised based upon the changes to (c) so I am not modifying them

(c) Periodic Review of Monitoring.—At least once every 5 years, the Director shall—

(1) evaluate whether the monitoring program under subsection (b), combined with other monitoring programs for the delta, is providing sufficient data to inform operations; and

(2) determine whether the monitoring efforts should be changed in the short- or long-term to provide more useful data.

(d) Delta Smelt Distribution Study.—

(1) IN GENERAL.— the United States Fish and Wildlife Service, in collaboration with other delta science partners, shall implement surveys specifically designed to understand delta smelt abundance and distribution.

(2) SAMPLING.— the sampling—

(A) shall include recording water quality and tidal data;

(B) will be designed to best understand delta smelt abundance, distribution, and movements throughout the Bay Delta during all seasons; and

(C) will use the best survey methods, including sampling gear.

(e) Scientifically Supported Implementation of Old and Middle River Flow Requirements.— Effective beginning December 1, 2014, in managing negative flow in the Old and Middle Rivers from December through June within the range established by the smelt biological opinion or any successor biological opinion, the Secretary shall—

(1) consider the relevant provisions of the biological opinion or any successor opinion;

(2) document any significant facts about real-time conditions relevant to the determinations of the Secretary of rates at which reverse OMR flow will be managed, including—

(A) whether the early warning surveys conducted at the most appropriate locations pursuant to this section or other risk factors indicate that a significant increase in the entrainment of Delta smelt is imminent; and

(B) whether near-term forecasts with available salvage models show environmental conditions, results from early warning surveys, turbidity modeling, particle tracking, or any and all other relevant scientific or commercial information indicate under prevailing conditions that OMR flow more restrictive than -5000 cfs is needed to avoid a significant probability of substantially increased take of delta smelt; and

(3) document—

(A) the basis for the determination of the Secretary to require raised or lowered OMR flow level within the range established by the smelt biological opinion or any successor biological opinion, including an explanation of the data examined and the connection between the data and the choice made; and

(B) a showing, made in a manner consistent with the definition of “effects of the action” in 50 C.F.R. Part 402.02 and the definitions in this Act, that the limitation of OMR flow to levels less negative than -5000 cubic feet per second in the short-term is necessary to avoid jeopardy after considering other alternatives, if any, that may have a lesser water supply impact.

(f) Level of Detail Required for Analysis.—In documenting the determinations under subsection (e), the Secretary shall fully satisfy the requirements of paragraphs (1) and (2) of subsection (e) but is not required to provide a greater level of supporting detail for the analysis

Commented [BHFS6]: This should be revised based upon the changes to (c) so I am not modifying them.

Commented [BHFS7]: These standards were based on the outcome in (b), so when those changes are made this language should be modified.

Commented [BHFS8]: The language submitted was targeted real-time fish monitoring in Old River in the vicinity of Bacon Island

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than feasible to provide within the short time frame permitted for timely decision making in response to changing conditions in the Delta.

From: Jason Peltier
Sent: Friday, September 5, 2014 8:40 AM
To: Joe Findaro; David Bernhardt; Dennis Cardoza
Subject: Fr Bee

Renteria is getting lots of attention from national magazines such as Elle

Posted by John Ellis on September 4, 2014 Updated 14 hours ago

2014-09-05T01:55:48Z

[Facebook](#)[Twitter](#)[Google Plus](#)[Reddit](#)[E-mail](#)[Print](#)



Amanda Renteria, D-Sanger

There's no doubt: the national magazine world likes 21st Congressional District candidate Amanda Renteria.

The Sanger Democrat is part of [a photo spread in the latest Elle magazine](#) that features eight women — seven Democrats and a Republican — running for Congress. Copy next to the photo notes that if eight women can win in November, and no incumbents lose, females will make up 20% of the U.S. House for the first time.

Early this year, Cosmopolitan.com (later [reprinted in Marie Claire](#)) included her in a feature titled "20 Women to Watch in Politics in 2014," and she's slated to be in next month's Marie Claire magazine.

What's unclear is how many votes, if any, the magazine appearances can win Renteria in her race against incumbent Hanford Republican David Valadao.

Renteria — who said the magazines approached her, likely after she was featured in Cosmo Latina — said the election is a much bigger deal than the magazine appearances.

"Magazines are thrown away every month," she said. "I want to make a real difference. Gotta win and make a difference."

Read more here: http://www.fresnobee.com/2014/09/04/4105193_renteria-is-getting-lots-of-attention.html?rh=1#storylink=cpy

From: Bernhardt, David L.

Sent: Friday, September 5, 2014 3:51 PM

To: Brenda Burman (bburman@mwdh2o.com); Thomas W. Birmingham (tbirmingham@westlandswater.org)

Subject: Revised Text for Passback and comparison to language provided earlier this wee

Attachments: RedlinetoADMINISTRATIONDRAFT (11548218-1).DOCX; FinalPassbackResponse (11548212-1).DOCX

Brenda and Tom: I have incorporated and merged Brenda's material with the earlier redline I sent around. I am including a redline here, which is a redline of the current draft compared to the language we were provided earlier in the week. I have also included a clean version. There are a few formatting modifications that I could not change in the clean version. Let me know, if we can forwarding these documents once you have looked at them. I am going to do another cross check myself.

David

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Title I. ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE.

SEC. 101. FINDINGS.

Congress finds that—

(1) The 2008 smelt biological opinion ~~and 2009 salmon biological opinion contain~~ contains reasonable and prudent alternatives to avoid jeopardizing the continued existence of fish species listed under the Endangered Species Act and destruction or adverse modification of their critical habitat by operation of the Central Valley Project and State Water Project.

(2) Among other things, the reasonable and prudent alternatives in the biological ~~opinions contain~~ opinion contains measures that can restrict the amount of water pumping that can occur to deliver water for agricultural, municipal, industrial, groundwater, and refuge uses within the Central Valley of California and the State Water Project service area.

~~(3) The demand for reliable water supplies to meet agricultural, municipal and industrial, groundwater, and refuges water needs for various regions south of the Sacramento San Joaquin River Delta and north of the Tehachapi mountain range within the South of Delta and Friant Division of the Central Valley Project and the State Water Project significantly exceeds available supplies. (3) Since the issuance of the biological opinions, considerably uncertainty still exists about the benefits to endangered fish populations from water pumping restrictions.~~

(4) These current biological opinions authorize and encourage opportunities to adjust operations based upon new scientific information in order to preserve the protections afforded listed fish and simultaneously increase water deliveries to the Central Valley Project and State Water Project without weakening environmental laws or protections.

(5) In 2014, additional information exists than was known in 2008 concerning conditions and operations that may jeopardize the fish populations, and what alternative management actions can be taken to avoid jeopardy.

(6) Alternative management strategies, such as removing non-native species, enhancing habitat, and monitoring fish movement and location in real-time may contribute to protecting and recovering these listed fish species, and at potentially lower costs to water supplies.

(6) It is worth exploring whether there is a way to implement the biological opinions that would preserve the protections afforded endangered fish and simultaneously increase water deliveries to the Central Valley Project and State Water Project without weakening environmental laws or protections.

(7) Additional research should be done to determine the effectiveness of management strategies that do not affect water delivery management strategies, such as removing non-native species, enhancing habitat, and monitoring fish movement and location in real-time, in protecting and recovering these imperiled fish species that are addressed in the 2008 and 2009 biological opinions.

SEC. 102. REVISE INCIDENTAL TAKE LEVEL CALCULATION FOR DELTA SMELT TO REFLECT NEW SCIENCE.

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Style Definition: Footer: Font: Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Style Definition: Balloon Text: Font: Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

~~(a) In General.—Consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (including regulations) and subsection (b), the Director of the Fish and Wildlife Service shall work in a collaborative fashion to better understand methods of reducing entrainment risk to delta smelt and better understand delta smelt population effects as a result of entrainment. To accomplish these goals, the Service will~~

Modified Incidental Take ~~Limit [Level].—~~ No later than ~~October~~January 1, 2015, the ~~Service~~shall ~~Director of Fish and Wildlife Service, in cooperation with other federal, state, and local agencies, shall~~ use the best scientific and commercial data and best science, ~~including new and improved modeling,~~ to complete a review and ~~modification,~~ if warranted, a modification of the incidental take level in the smelt biological opinion ~~that—~~

(1) takes into account—

(A) salvage information available over at least 18 years;

(B) updated statistical models;

(C) updated scientific and commercial data; and

(D) the most recent information regarding delta smelt entrainment dynamics; and

(2) represents actual entrainment and the population level impact of entrainment while allowing operations in accordance with the smelt biological opinion.

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SEC. 103. FACTORING INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE INTO DELTA SMELT MANAGEMENT.

(a) In General.—The reasonable and prudent ~~alternatives~~alternative described in the 2008 delta smelt biological opinion shall be implemented consistent with the best scientific and commercial data available.

(b) Increased Monitoring to Inform Real-time Operations.—On an annual basis at the appropriate time of the year based on environmental conditions, in collaboration with other delta science interests, the Director shall ~~conduct early warning surveys that—~~

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(1) use the best survey methods at the most appropriate locations to detect adult delta smelt that might be associated with increased turbidity; and

(2) use results from those survey methods to help determine how data from increased surveys can improve risk assessment for delta smelt entrainment that may result —from maximum rates of exports ~~without risk of causing jeopardy.~~

(3) at a minimum, during the period beginning on December 1, 2014 and ending March 31, 2015, and in each successive December through March period, if high suspended sediment loads enter the Delta from the Sacramento River and appear likely to raise turbidity levels in Old River north of the export pumps from values below 12 Nephelometric Turbidity Units to values above 12 Nephelometric Turbidity Units, the Director shall—

(A) conduct daily monitoring using the best survey methods in Old River in the vicinity of Station 902 to detect adult Delta smelt that might be moving within the turbidity cloud toward the export pumps; and

(B) use results from these early warning trawls to help determine how increased trawling can inform in real-time what levels of exports can be pumped without risk of a large smelt salvage event that would cause jeopardy.

(c) Periodic Review of Monitoring.—At least once every 5 years, the Director shall—

(1) evaluate whether the monitoring program under subsection (b), combined with other monitoring programs for the delta, is providing sufficient data to inform operations; and

(2) determine whether the monitoring efforts should be changed in the short- or long-term to provide more useful data.

(d) Delta Smelt Distribution Study.—

(1) IN GENERAL.— No later than 2016 and for as long as needed, the Director of the United States Fish and Wildlife Service, in collaboration with other delta science partners, shall implement ~~surveys~~ new targeted sampling and monitoring specifically designed to understand delta smelt abundance ~~and~~ distribution, and the types of habitat occupied by delta smelt during all life stages.

(2) SAMPLING.— the sampling—

(A) shall include recording water quality and tidal data;

(B) will be designed to best understand delta smelt abundance, distribution, habitat use, and movements throughout the Bay Delta during all seasons; (C) should consider areas not routinely sampled by existing monitoring programs, including wetland channels, near-shore water, depths below 35 feet, and shallow-water; and

(C) will use the best survey methods, including sampling gear suited to the type of sampling or monitoring.

(e) Scientifically Supported Implementation of Old and Middle River Flow

Requirements.—Effective beginning December 1, 2014, in managing negative flow in the Old and Middle Rivers from December through June within the range established by the smelt biological opinion or any successor biological opinion, the Secretary shall—

(1) consider the relevant provisions of the smelt biological opinion or any successor opinion;

(2) document any significant facts about real-time conditions relevant to the determinations of the Secretary of rates at which reverse OMR flow will be managed, including—

(A) whether the early warning surveys conducted at the most appropriate locations pursuant to this section or other risk factors indicate that a significant increase in the entrainment of Delta smelt is imminent; and

(B) whether environmental conditions, results from early warning surveys, turbidity modeling, ~~particle tracking~~, or any and all other relevant scientific or commercial information indicate under prevailing conditions that OMR flow more restrictive than -5000 cfs is needed to avoid a ~~significant probability of~~ substantially increased take of delta smelt.

(3) post daily on the internet results from turbidity studies or monitoring, early warning surveys,

and other pertinent information about Delta conditions.; and

(4) document—

(A) the basis for the determination of the Secretary to require raised or lowered OMR flow level within the range established by the smelt biological opinion or any successor biological opinion, including an explanation of the data examined and the connection between the data and the choice made; and

(B) a showing, made in a manner consistent with the definition of “effects of the action” in 50 C.F.R. Part 402.02 and the definitions in this Act, that the limitation of OMR flow to levels less negative than -5000 cubic feet per second in the short-term is necessary to avoid jeopardy after considering other alternatives, if any, that may have a lesser water supply impact.

(f) Level of Detail Required for Analysis.—In documenting the determinations under subsection (e), the Secretary shall fully satisfy the requirements of paragraphs (1) ~~and (2) through~~ (4) of subsection (e) but is not required to provide a greater level of supporting detail for the analysis than feasible to provide within the short time frame permitted for timely decision making in response to changing conditions in the Delta.

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Title I. ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE.

SEC. 101. FINDINGS.

Congress finds that—

(1) The 2008 smelt biological opinion contains reasonable and prudent alternatives to avoid jeopardizing the continued existence of fish species listed under the Endangered Species Act and destruction or adverse modification of their critical habitat by operation of the Central Valley Project and State Water Project.

(2) Among other things, the reasonable and prudent alternatives in the biological opinion contains measures that can restrict the amount of water pumping that can occur to deliver water for agricultural, municipal, industrial, groundwater, and refuge uses within the Central Valley of California and the State Water Project service area.

(3) Since the issuance of the biological opinions, considerably uncertainty still exists about the benefits to endangered fish populations from water pumping restrictions.

(4) These current biological opinions authorize and encourage opportunities to adjust operations based upon new scientific information in order to preserve the protections afforded listed fish and simultaneously increase water deliveries to the Central Valley Project and State Water Project without weakening environmental laws or protections.

(5) In 2014, additional information exists than was known in 2008 concerning conditions and operations that may jeopardize the fish populations, and what alternative management actions can be taken to avoid jeopardy.

(6) Alternative management strategies, such as removing non-native species, enhancing habitat, and monitoring fish movement and location in real-time may contribute to protecting and recovering these listed fish species, and at potentially lower costs to water supplies.

(6) It is worth exploring whether there is a way to implement the biological opinions that would preserve the protections afforded endangered fish and simultaneously increase water deliveries to the Central Valley Project and State Water Project without weakening environmental laws or protections.

(7) Additional research should be done to determine the effectiveness of management strategies that do not affect water delivery management strategies, such as removing non-native species, enhancing habitat, and monitoring fish movement and location in real-time, in protecting and recovering these imperiled fish species that are addressed in the 2008 and 2009 biological opinions.

SEC. 102. REVISE INCIDENTAL TAKE LEVEL CALCULATION FOR DELTA SMELT TO REFLECT NEW SCIENCE.

(a)

Modified Incidental Take Level.— No later than January 1, 2015, the Director of Fish and Wildlife Service, in cooperation with other federal, state, and local agencies, shall use the best scientific and commercial data and best science to complete a review and, if warranted, a modification of the incidental take level in the smelt biological opinion that—

(1) takes into account—

(A) salvage information available over at least 18 years;

(B) updated statistical models;

(C) updated scientific and commercial data; and

(D) the most recent information regarding delta smelt entrainment dynamics; and

(2) represents actual entrainment and the population level impact of entrainment while allowing operations in accordance with the smelt biological opinion.

SEC. 103. FACTORING INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE INTO DELTA SMELT MANAGEMENT.

(a) In General.—The reasonable and prudent alternative described in the 2008 delta smelt biological opinion shall be implemented consistent with the best scientific and commercial data available.

(b) Increased Monitoring to Inform Real-time Operations.— On an annual basis at the appropriate time of the year based on environmental conditions, in collaboration with other delta science interests, the Director shall conduct early warning surveys that—

(1) use the best survey methods at the most appropriate locations to detect adult delta smelt that might be associated with increased turbidity; and

(2) use results from those survey methods to help determine how data from increased surveys can improve risk assessment for delta smelt entrainment that may result from maximum rates of exports without risk of causing jeopardy.

(3) at a minimum, during the period beginning on December 1, 2014 and ending March 31, 2015, and in each successive December through March period, if high suspended sediment loads enter the Delta from the Sacramento River and appear likely to raise turbidity levels in Old River north of the export pumps from values below 12 Nephelometric Turbidity Units to values above 12 Nephelometric Turbidity Units, the Director shall—

(A) conduct daily monitoring using the best survey methods in Old River in the vicinity of Station 902 to detect adult Delta smelt that might be moving within the turbidity cloud toward the export pumps; and

(B) use results from these early warning trawls to help determine how increased trawling can inform in real-time what levels of exports can be pumped without risk of a large smelt salvage event that would cause jeopardy.

(c) Periodic Review of Monitoring.—At least once every 5 years, the Director shall—

(1) evaluate whether the monitoring program under subsection (b), combined with other monitoring programs for the delta, is providing sufficient data to inform operations; and

(2) determine whether the monitoring efforts should be changed in the short- or long-term to provide more useful data.

(d) Delta Smelt Distribution Study.—

(1) IN GENERAL.— No later than 2016 and for as long as needed, the Director of the United States Fish and Wildlife Service, in collaboration with other delta science partners, shall implement new targeted sampling and monitoring specifically designed to understand delta smelt abundance, distribution, and the types of habitat occupied by delta smelt during all life stages.

(2) SAMPLING.— the sampling—

(A) shall include recording water quality and tidal data;

(B) will be designed to best understand delta smelt abundance, distribution, habitat use, and movements throughout the Bay Delta during all seasons; (C) should consider areas not routinely sampled by existing monitoring programs, including wetland channels, near-shore water, depths below 35 feet, and shallow-water; and

(C) will use the best survey methods, including sampling gear suited to the type of sampling or monitoring.

(e) Scientifically Supported Implementation of Old and Middle River Flow Requirements.—Effective beginning December 1, 2014, in managing negative flow in the Old and Middle Rivers from December through June within the range established by the smelt biological opinion or any successor biological opinion, the Secretary shall—

(1) consider the relevant provisions of the smelt biological opinion or any successor opinion;

(2) document any significant facts about real-time conditions relevant to the determinations of the Secretary of rates at which reverse OMR flow will be managed, including—

(A) whether the early warning surveys conducted at the most appropriate locations pursuant to this section or other risk factors indicate that a significant increase in the entrainment of Delta smelt is imminent; and

(B) whether environmental conditions, results from early warning surveys, turbidity modeling, or any and all other relevant scientific or commercial information indicate under prevailing conditions that OMR flow more restrictive than -5000 cfs is needed to avoid a substantially increased take of delta smelt.

(3) post daily on the internet results from turbidity studies or monitoring, early warning surveys, and other pertinent information about Delta conditions.; and

(4) document—

(A) the basis for the determination of the Secretary to require raised or lowered OMR flow level within the range established by the smelt biological opinion or any successor biological opinion, including an explanation of the data examined and the connection between the data and the choice made; and

(B) a showing, made in a manner consistent with the definition of “effects of the action” in 50 C.F.R. Part 402.02 and the definitions in this Act, that the limitation of OMR flow to levels less negative than -5000 cubic feet per second in the short-term is

necessary to avoid jeopardy after considering other alternatives, if any, that may have a lesser water supply impact.

(f) Level of Detail Required for Analysis.—In documenting the determinations under subsection (e), the Secretary shall fully satisfy the requirements of paragraphs (1) through (4) of subsection (e) but is not required to provide a greater level of supporting detail for the analysis than feasible to provide within the short time frame permitted for timely decision making in response to changing conditions in the Delta.

From: Burman,Brenda W
Sent: Friday, September 5, 2014 4:12 PM
To: Bernhardt, David L.
CC: Thomas W. Birmingham (tbirmingham@westlandswater.org); Patterson,Roger K
Subject: Re: Revised Text for Passback and comparison to language provided earlier this wee

Hi. Thanks for putting together David. Only one suggested change. In 4(B) on last page, let's take out the reference to the particular CFR. The service took it out of their draft and I think it doesn't help us. Can we say "consistent with implementing regulations"?

Sent from my iPhone

On Sep 5, 2014, at 3:51 PM, "Bernhardt, David L." <DBernhardt@BHFS.com> wrote:

Brenda and Tom: I have incorporated and merged Brenda's material with the earlier redline I sent around. I am including a redline here, which is a redline of the current draft compared to the language we were provided earlier in the week. I have also included a clean version. There are a few formatting modifications that I could not change in the clean version. Let me know, if we can forwarding these documents once you have looked at them. I am going to do another cross check myself.

David

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

<RedlinetoADMINISTRATIONDRAFT (11548218-1).DOCX>

<FinalPassbackResponse (11548212-1).DOCX>

This communication, together with any attachments or embedded links, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments or embedded links, from your system.

From: Tom Birmingham
Sent: Friday, September 5, 2014 5:19 PM
To: 'Bernhardt, David L.'; 'Brenda Burman'
Subject: RE: Revised Text for Passback and comparison to language provided earlier this wee

David,

This looks good. Please forward the document to John.

Tom

From: Bernhardt, David L. [mailto:DBernhardt@BHFS.com]
Sent: Friday, September 05, 2014 3:51 PM
To: Brenda Burman (bburman@mwdh2o.com); Thomas W. Birmingham (tbirmingham@westlandswater.org)
Subject: Revised Text for Passback and comparison to language provided earlier this wee

Brenda and Tom: I have incorporated and merged Brenda's material with the earlier redline I sent around. I am including a redline here, which is a redline of the current draft compared to the language we were provided earlier in the week. I have also included a clean version. There are a few formatting modifications that I could not change in the clean version. Let me know, if we can forwarding these documents once you have looked at them. I am going to do another cross check myself.

David

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From: Jason Peltier

Sent: Tuesday, September 9, 2014 10:51 AM

To: T Birmingham (tbirmingham@westlandswater. org); 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'; Denny Rehberg; Dennis Cardoza; Ara.azhderian@sldmwa.org; Dan Nelson <Dan.Nelson@sldmwa. org>

Subject: Drought legislation [KPCC PBS in SoCal]

Drought: 5 things to know about legislation stuck in Congress

[Kitty Felde](#)

September 08, 08:34 AM Show caption

Cannon Michael's farm grows tomatoes, melons and onions, among other crops. This year, however, Michael will have to fallow one-fifth of the land due to the drought Thomas Dreisbach/NPR

Audio from this story

- [4:11Listen](#)

Congress returns to Washington tonight after more than a month's recess. Californians are thirstily awaiting word on another topic: what does Congress intend to do about the drought?

Here's answers to five questions about Washington's response to the drought:

1. Where do we stand on drought legislation?

The House passed a [measure](#) back in February that would create more storage for water. That bill, the Sacramento-San Joaquin Valley Emergency Water Delivery Act, was co-sponsored by every GOP member of the House from California, plus Fresno Democrat Jim Costa.

Environmentalists and northern California Democrats are up in arms because it would set aside environmental laws and throw out water contracts that have been in existence for decades.

The Senate [measure](#) was sponsored by both of the state's Democratic Senators, Dianne Feinstein and Barbara Boxer. It never had a hearing and passed in May by unanimous consent – a procedure that sets aside the usual rules of the Senate and just lets a measure come directly to the floor for an up or down decision. That bill dealt with temporary measures and is seen by House Republicans as a placeholder to open the discussion about a compromise measure.

2. Did negotiations stop when Congress left town?

Not really. Staffers have reportedly been sending drafts of various compromise legislation back and forth and there have been conference calls. The hope was to have something pretty solid for members to vote on when they get back to town.

3. How's it looking?

Not great. For two reasons: politics and environmental law.

On the political side, there's three factors:

A) No one wants to pass a controversial measure before an election

B) The cost of building dams makes a number of conservative House and Senate Republicans nervous. Because of the limited number of days to work on legislation, any Senate measure may have to once again pass by unanimous consent – and it's far from certain that a big money measure would get every Senate GOP vote.

C) This is mostly a California issue. And neither California Senator is up for re-election. Democrats are in danger of losing the Senate majority this election, so why would a senator from another state vote on a controversial measure that doesn't matter to folks back home?

On the environmental side, remember, one of our senators, Barbara Boxer, heads the Environment & Public Works Committee, and is an bulldog on environmental issues. Even Feinstein's basic measure was criticized by environmental groups as opening the door to trouble.

It's now looking like the Senate is punting to the Obama administration, awaiting input from the Environmental Protection Agency about whether some of the provisions House Republicans want included in a compromise measure would violate either the Clean Water Act or Endangered Species Act. And as of Friday afternoon, the White House has been silent.

4. What's the sticking point?

Storage. Lawmakers representing farming districts want dams and the ability to store runoff. Lawmakers representing fishing districts worry that diverting water will starve rivers of the water needed to sustain fish populations – and not just the endangered smelt and other species in the rivers and the 1,100 square mile Sacramento-San Joaquin Delta. Northern California salmon fishermen are concerned they'll be put out of business. Remember, salmon are both river and ocean creatures. They spawn in streams and get fat in the ocean.

5. Suppose they do come to an agreement. Does that mean California's water woes are over?

Nope. All of these legislative solutions deal with available water. Unless it rains – and snows in the Sierras – the fight is over the limited amount that's available now.

From: Tom Birmingham

Sent: Wednesday, September 10, 2014 4:28 AM

To: 'Bernhardt, David L.'; joe.findaro@akerman.com; 'Denny Rehberg'; DCardoza@foley.com

Subject: Conference Call

I need to cancel this morning 8:00 a.m. call. I apologize for any inconvenience.

From: Jason Peltier

Sent: Monday, September 15, 2014 2:47 PM

To: T Birmingham (tbirmingham@westlandswater.org); Dan Nelson <Dan.Nelson@sldmwa.org>; Ara.azhderian@sldmwa.org; Dennis Cardoza; Joe Findaro; David Bernhardt

Subject: No comment except, good bye.

Last Thursday night, retiring Calif. Dem. Rep. George Miller held a staff reunion party for any and all staff who have ever worked for his office or his committee staff. More than 100 people attended the event in Cannon Caucus Room.

SPOTTED: John Lawrence, Daniel Weiss, Alan Stone, Ann Rosewater, Mark Zuckerman, Jody Calemine, Megan O'Reilly, Sylvia Arthur, Jeff Petrich, Jean Flemma, Deborah Lanzone, Marie Howard, and Barb Johnson. **Pic of the party:**

<http://bit.ly/1sUiJw1> Highlight reel of Miller's "greatest hits" on House floor: <http://bit.ly/1qCniLN>



From: Jason Peltier

Sent: Monday, September 15, 2014 4:03 PM

To: T Birmingham (tbirmingham@westlandswater.org); Dan Nelson <Dan.Nelson@sldmwa.org>;

Ara.azhderian@sldmwa.org; Dennis Cardoza; Joe Findaro; David Bernhardt; Denny Rehberg; Cathrine Karen

Subject: FW: DC water

Joel is with CA Citrus Mutual. You can assume this email [or similar] has gone far and wide.

From: Joel Nelsen [mailto:Jnelsen@cacitrusmutual.com]

Sent: Monday, September 15, 2014 3:50 PM

To: Ronald D. Jacobsma (rjacobsma@friantwater.org); schedester@sjrecwa.net; Ara Azhderian; Jason Peltier

Cc: Cannon Michael; Harvey Bailey

Subject: DC water

A request – as the drought legislation goes forward our two Senators are going to need a bit of cover as the enviro community and their allies will be arguing that the agencies provide the best science and should not be challenged or forced to come to different conclusions aka as last March. They will work the Senate to make achieving the 60 votes as difficult as possible. After visiting with all the appropriate offices last week I believe some strategies are necessary to help our Senators move the ball forward. One strategy would be communications from lenders regarding the difficulty in making loans available for producers with less than satisfactory water supply. The other is a list that details the errors the agencies have made in the past few years regarding water allocations, analysis and other decisions that simply have been in error. Eroding the assumption that the agencies have the best knowledge will help when the legislation moves forward in my view.

I was in DC last week and what I have to report you may already know, and then again maybe not. There will **not be any drought legislation moving prior to recess**. Getting agreement on all the necessary components just won't happen as soon as necessary. The primary reason as I understand it is that the administration dug its feet in responding to queries from Senator Feinstein and other offices. August was basically wasted it appears. But moving the legislation as a stand-alone was next to impossible and there will not be any significant pieces moving, unless it is terrorist related, this week. Getting the signoff from all offices and getting 60 votes in the Senate is the chore.

While I was back there NCWA and Tom Birmingham were providing input to the process. It is my understanding that you all are receiving updates on varied components of the legislation albeit none of the stakeholders have seen the entire 44 page draft as yet.

All the offices are very complimentary of the efforts being undertaken. It was a virtual love fest but as I asked specific questions it was very apparent to me that there is a mutual respect and division of labor that is satisfying everybody. In my estimation John Watts, Jim Costa and Tom Birmingham have the bulk of the workload presently but each paragraph in the document is being built in a transparent fashion and showing no favoritism to any one water or production area. This does not mean another office or two haven't provided input with Damon being close behind on the entire effort.

I strongly believe that Senator Boxer is positioning herself positively. The relationships with Huffman and Miller offices has soured. Garamendi not so much. She is not meeting with any stakeholders but I was able to get a few minutes with Joaquin. They have turned down several requests that have left many on the enviro side and our side fuming I guess but in direct response to the question Joaquin responded that she is very comfortable with the direction and what is being put on paper so far. The office, and the Senator recognizes something different must be done and will help Senator Feinstein get the 60 votes necessary once the agreement has been reached. She is being sensitive to the administration but she is mindful of South Valley and state needs.

Senator Feinstein was addressing a group of 50 Californians who were there for a fresh produce industry public policy conference. The Senator raised the issue of water. She was very definitive in her statements; H2O is our oxygen and the

past decision cannot be repeated. The enviros will fight us but legislation must move forward. Succeeding is the only option. Pretty strong.

The objective is to move the drought legislation in concert with an omnibus CR after the election. The contents of the legislation you all have to cognizant of and comfortable with. My goal is to help move the end product to a successful conclusion.

Now back to the list – you all don't need to have any fingerprints as I and some colleagues will do what is needed. But you are closer to the lousy decision making for the past few years. So what have you got?

P.S. As CCM has met with several Congressmen during the recess and in DC and I met with senior Senate staff I also related that the SJRR Agreement will be addressed by a number of likeminded entities once the drought bill has been agreed to. We are building a group who will forward communications similar to that disseminated by CCM in the past few weeks.

From: Tom Birmingham
Sent: Wednesday, September 17, 2014 3:53 PM
To: 'Watts, John (Feinstein)'; 'Bezdek, John'
Subject: Conference Call Number

Gentlemen,

Please call (800) [REDACTED] - [REDACTED] pass code [REDACTED] at 8:00 a.m. Pacific Time (11:00 a.m. Eastern Time).

Tom

P.S.: May I invite David Bernhardt to join us?

From: John Bezdek
Sent: Wednesday, September 17, 2014 6:55 PM
To: Watts, John (Feinstein)
CC: Tom Birmingham
Subject: Re: Conference Call Number

Same here.

On Sep 17, 2014, at 7:08 PM, "Watts, John (Feinstein)" <John_Watts@feinstein.senate.gov> wrote:

Fine with me to invite David Bernhardt

From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]
Sent: Wednesday, September 17, 2014 6:53 PM
To: Watts, John (Feinstein); 'Bezdek, John'
Subject: Conference Call Number

Gentlemen,

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Tom

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From: Tom Birmingham
Sent: Wednesday, September 17, 2014 7:30 PM
To: 'John Bezdek'; 'Watts, John (Feinstein)'
Subject: RE: Conference Call Number

Thank you.

From: John Bezdek [mailto:john_bezdek@ios.doi.gov]
Sent: Wednesday, September 17, 2014 6:55 PM
To: Watts, John (Feinstein)
Cc: Tom Birmingham
Subject: Re: Conference Call Number

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From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]
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To: Watts, John (Feinstein); 'Bezdek, John'
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Tom

P.S.: May I invite David Bernhardt to join us?

From: Burman,Brenda W
Sent: Thursday, September 18, 2014 8:57 AM
To: Tom Birmingham; David Bernhardt
CC: Patterson,Roger K
Subject: Fwd: Entrainment discussion for Feinstein
Attachments: Entrainment discussion for Feinstein.docx; ATT00001.htm

Tom and David, Becky put this together. I'm having Dave Fullerton review before we send. We are using this explanation to back up our replacement in the admin draft of an entrainment threahold for pumping (because take already assumes entrainment) with an entrainment study.

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Delta Smelt Entrainment

There is a high level of uncertainty regarding how many Delta Smelt are entrained each year; the environmental factors that contribute to entrainment; the relationships between project pumping, salvage, OMR and entrainment; and the population level effect of entrainment. As such, an entrainment investigation is appropriate, and should include studies attempting to directly measure entrainment.

It is important to distinguish the concepts of “entrainment” and “salvage” when discussing the effects of the CVP-SWP. Entrainment represents an indirect effect of water project operations, and includes effects such as predation in Clifton Court Forebay. Salvage is the direct effect of the project representing Delta Smelt that are directly diverted into the pumping facilities.

There is no published analysis concluding that either salvage or entrainment has a population level effect. The 2008 Delta Smelt BiOp at p. 210 acknowledges this fact (albeit mixing the concepts of salvage and entrainment) stating:

However, currently published analyses of long-term associations between delta smelt salvage and subsequent abundance do not support the hypothesis that entrainment is driving population dynamics year in and year out.¹

(See also, Kimmerer 2008 [“...despite substantial variability in export flow in years since 1982, no effect of export flow on subsequent mid-water trawl abundance is evident”]; Bennett 2005 [“...[C]urrently published analyses of long-term associations between delta smelt salvage and subsequent abundance do not support the hypothesis that entrainment is driving population dynamics year in and year out.”]; Grimaldo et al. 2009 [“...the extent to which entrainment losses affect Delta Smelt population dynamics is unclear.”])

The 2008 Delta Smelt biological opinion does not rely on direct measurement of entrainment. The BiOp assumes that salvage is an index of entrainment even though the actual relationship between salvage and entrainment is unknown. Grimaldo et al. 2009 adopted this approach, explaining at p. 1256 that, “In this paper, we use salvage as an index of entrainment. Actual entrainment losses at the SWP and CVP are unknown....”

Castillo et al. 2012 attempted to measure entrainment in Clifton Court Forebay and this study is sometimes referenced to suggest that entrainment rates are high. However, as a result of the highly unusual circumstances that existed during the study, including extremely low pumping rates, long residence times, and temperatures near and in excess of the species tolerances, the Castillo et al. results should be interpreted with caution.

¹ The BiOp concludes that historically entrainment may have been “sporadically significant” based on Kimmerer 2008, where it was so hypothesized.

The BiOp relies heavily on the estimates of entrainment in Kimmerer 2008. Kimmerer used OMR flow as an index of entrainment. In essence, Kimmerer looked at the survey data, multiplied catch in each sampling station near the project facilities by the volume of water at each station, added those estimates together to predict how many Delta Smelt were in the area of influence around the project facilities, and assumed that the expanded number of Delta Smelt were entrained at some rate based on OMR. Kimmerer estimated the total population of Delta Smelt using a similar method, multiplying catch at each monitoring station by the associated volume of water and then summed up all of the results from every station. Kimmerer's estimates of the percent of the population entrained are based on this method.

Kimmerer 2008 acknowledges the large error bars and high level of uncertainty associated with his estimates of the percent of the population entrained in the project facilities, stating at p. 24, "The estimates have large confidence limits," and at p. 1, "...highest value [estimate of population entrained] may have been biased upward." Kimmerer 2008 further observed at p. 24, "The summer-fall index of survival varied over a range of 50-fold, and was significantly related to summer zooplankton in the low-salinity zone. This may indicate food-limited survival." This 50-fold variation made it difficult to reach any conclusions related to whether the high estimates of percent of the population entrained actually resulted in a population level effect.

From: Tom Birmingham
Sent: Thursday, September 18, 2014 9:26 AM
To: 'Watts, John (Feinstein)'
CC: 'Bernhardt, David L.'
Subject: Lanugage
Attachments: Alternative OMR Management.docx

John,

Attached is language I developed based on our discussion with John Bezdek. I look forward to talking with you at 3:00 p.m. EDT.

Tom

(c) Implementation of Old and Middle River Flow Requirements.—

(1) IN GENERAL.—Nothing in this subsection affects the limitation of OMR flow that is greater (more negative) than -5000 cubic feet per second, as described in the smelt biological opinion.

(2) REQUIREMENTS.—In connection with implementation of the smelt biological opinion, or any successor biological opinion, the Secretary shall—

(A) manage reverse flow in Old and Middle Rivers so as to minimize water supply reductions for the Central Valley Project and the State Water Project; and,

(B) document the basis, including an explanation of the data examined and the connection between those data and the choice made, for any determination to manage reverse flow at rates less negative than -5000 cfs in light of the potential that operating at -5000 cfs will result in exceeding the incidental take level, the potential effects of entrainment on subsequent smelt abundance, the distribution of Delta smelt, the water temperature, and other factors relevant to the determination.

From: John Bezdek
Sent: Thursday, September 18, 2014 11:28 AM
To: Tom Birmingham
CC: Watts, John (Feinstein)
Subject: Re: Conference Call Number

Can we do 3:15?

On Sep 17, 2014, at 10:29 PM, Tom Birmingham <tbirmingham@westlandswater.org> wrote:

Thank you.

From: John Bezdek [mailto:john_bezdek@ios.doi.gov]
Sent: Wednesday, September 17, 2014 6:55 PM
To: Watts, John (Feinstein)
Cc: Tom Birmingham
Subject: Re: Conference Call Number

Same here.

On Sep 17, 2014, at 7:08 PM, "Watts, John (Feinstein)" <John_Watts@feinstein.senate.gov> wrote:

Fine with me to invite David Bernhardt

From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]
Sent: Wednesday, September 17, 2014 6:53 PM
To: Watts, John (Feinstein); 'Bezdek, John'
Subject: Conference Call Number

Gentlemen,

Please call (800) [REDACTED] - [REDACTED] pass code [REDACTED] at 8:00 a.m. Pacific Time (11:00 a.m. Eastern Time).

Tom

P.S.: May I invite David Bernhardt to join us?

From: Tom Birmingham
Sent: Thursday, September 18, 2014 11:29 AM
To: 'John Bezdek'
CC: 'Watts, John (Feinstein)'
Subject: RE: Conference Call Number

Yes, from my perspective.

From: John Bezdek [mailto:john_bezdek@ios.doi.gov]
Sent: Thursday, September 18, 2014 11:28 AM
To: Tom Birmingham
Cc: Watts, John (Feinstein)
Subject: Re: Conference Call Number

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Cc: Tom Birmingham
Subject: Re: Conference Call Number

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Sent: Wednesday, September 17, 2014 6:53 PM
To: Watts, John (Feinstein); 'Bezdek, John'
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P.S.: May I invite David Bernhardt to join us?

From: Tom Birmingham
Sent: Thursday, September 18, 2014 11:30 AM
To: 'Watts, John (Feinstein)'
CC: 'Bernhardt, David L.'
Subject: RE: Language

No, please send the language.

From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]
Sent: Thursday, September 18, 2014 11:22 AM
To: 'Tom Birmingham'
Cc: 'Bernhardt, David L.'
Subject: RE: Language
Importance: High

I think the attached is stronger. Do you mind if I send this to John?

From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]
Sent: Thursday, September 18, 2014 12:26 PM
To: Watts, John (Feinstein)
Cc: 'Bernhardt, David L.'
Subject: Lanugage

John,

Attached is language I developed based on our discussion with John Bezdek. I look forward to talking with you at 3:00 p.m. EDT.

Tom

From: Tom Birmingham
Sent: Thursday, September 18, 2014 11:38 AM
To: 'Watts, John (Feinstein)'
CC: 'Bernhardt, David L.'
Subject: RE: Language

John,
I encourage you to send your version to John Bezdek.
Tom

From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]
Sent: Thursday, September 18, 2014 11:36 AM
To: 'Tom Birmingham'
Cc: 'Bernhardt, David L.'
Subject: RE: Language

I have a couple more suggested edits. I would

- 1) Strike the language about not affecting OMR flows above -5000 cfs, because it is not necessary, and it will depress the House more than it will buy us any credit with the enviros; and
- 2) Include the language we had in previous drafts about documenting the results of monitoring whether there were any significant smelt populations near the pumps.

I have attached both redline and clean versions. Tom, I'm not sure I understood your email and will call you in a few minutes.

From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]
Sent: Thursday, September 18, 2014 2:30 PM
To: Watts, John (Feinstein)
Cc: 'Bernhardt, David L.'
Subject: RE: Language

No, please send the language.

From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]
Sent: Thursday, September 18, 2014 11:22 AM
To: 'Tom Birmingham'
Cc: 'Bernhardt, David L.'
Subject: RE: Language
Importance: High

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Cc: 'Bernhardt, David L.'
Subject: Lanugage

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Tom

From: Tom Birmingham
Sent: Thursday, September 18, 2014 3:30 PM
To: 'Watts, John (Feinstein)'
CC: rpatterson@mwdh2o.com; 'Bernhardt, David L.'
Subject: FW: Current smelt language to show to Roger
Attachments: Alternative OMR Management 9-18-14.docx

John,

I shared this language with Roger, who then asked Brenda to review it. Roger had two suggested modifications, which are shown in the attachment to this email.. Neither is a substantive change. I also shared with Roger that David and Peg are developing language on the MOU.

Please let me know if you have any questions.

Tom

From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]
Sent: Thursday, September 18, 2014 1:50 PM
To: 'Tom Birmingham'; Bernhardt, David L.
Subject: Current smelt language to show to Roger

(e) Implementation of Old and Middle River Flow Requirements.—In implementing the provisions of the smelt biological opinion, or any successor biological opinion, on reverse flow in the Old and Middle Rivers, the Secretary shall—

(1) consider the relevant provisions of the biological opinion or any successor biological opinion;

(2) manage reverse flow in Old and Middle Rivers so as to minimize water supply reductions for the Central Valley Project and the State Water Project;

(3) document [in writing](#) any significant facts about real-time conditions relevant to the determinations of reverse OMR flow rates, including—

(A) whether targeted real-time fish monitoring in Old River in the vicinity of Station 902 pursuant to this section indicates that a significant increase in the salvage of delta smelt is imminent; and

(B) whether near-term forecasts with available salvage models show under prevailing conditions that OMR flow of -5000 cfs will cause significantly increased take of delta smelt; and

(4) ~~show~~[document in writing](#) that any determination to manage OMR reverse flow at rates less negative than -5000 cubic feet per second is necessary to avoid a significant population level effect on the Delta smelt, including an explanation of the data examined and the connection between those data and the choice made, after considering:

(A) the findings in paragraph (3);

(B) whether continued project operations over the remainder of the water year would exceed the incidental take level;

(C) the potential effects of entrainment on subsequent smelt abundance, including consideration of the distribution of the population throughout the Delta,

(D) the water temperature,

(E) other factors relevant to the determination; and

(F) whether any alternative measures could have a lesser water supply impact.

(f) Emergency action to provide drought relief. No later than December 1, 2014, the Commissioner and the Director shall execute a Memorandum of Understanding to ensure that the smelt biological opinion is implemented in a manner that minimizes water supply losses while complying with applicable laws (including regulations) during the period that the emergency drought declaration is in effect. [additional language to be included to protect existing incidental take authority and clarify that the MOU will not require reinitiating consultation]

From: Tom Birmingham
Sent: Friday, September 19, 2014 8:09 AM
To: 'Watts, John (Feinstein)'
CC: 'Bernhardt, David L.'
Subject: RE: Technical question on the salmon language

John,

I believe both paragraphs should refer to comparisons based on operations under D-1641.

The suggested language is below.

Tom

From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]
Sent: Friday, September 19, 2014 7:12 AM
To: 'Tom Birmingham'
Cc: Bernhardt, David L.
Subject: Technical question on the salmon language

Tom, Does the wording of paragraphs (1) and (2) look right to you, based on what we are trying to achieve, and the way D-1641 works?

- (e) Framework for examining opportunities to mitigate or offset the potential adverse effect of adjustments to operating criteria.—Not later than December 31, 2015, and every five years thereafter, the Assistant Administrator shall, in collaboration with the Director of the California Department of Fish and Wildlife, based on the best scientific and commercial data available and for each listed salmonid species, issue estimates of the increase in through-Delta survival the Secretary expects to be achieved—
- (1) with export restrictions specified that limit OMR flow to a fixed rate of -5000 cubic feet per second within the time period RPA Action IV.2.3 is applicable, as compared to [operations under the export to inflow requirements of State Water Resources Control Board decision D-1641](#), holding other relevant factors constant;
 - (2) with San Joaquin River inflow to export restrictions specified within RPA Actions IV.2.1 as compared to the export [restrictions in the April/May period imposed by State Water Resources Control Board decision D-1641](#), based on a given rate of San Joaquin River inflow to the Delta and holding other relevant factors constant;
 - (3) by a trap and barge program based on the experience of other comparable systems and the study described in section 202, as that information becomes available;
 - (4) through physical habitat restoration improvements;
 - (5) through predation control programs;
 - (6) through temporary barriers, the Cross Channel Gates, and other projects affecting flow in the Delta;
 - (7) by salvaging entrained fish at the entrance to Clifton Court Forebay; and

(8) by any other management measures that may provide equivalent or better benefits for listed species with improvements to water supplies.

From: Jason Peltier

Sent: Friday, September 19, 2014 11:03 AM

To: Dennis Cardoza; Denny Rehberg; Joe Findaro; David Bernhardt

Subject: FW: No Congressional action on CA Drought Legislation, Congress departs till lame-duck.

From: Nelson, Damon [mailto:Damon.Nelson@mail.house.gov]

Sent: Friday, September 19, 2014 11:01 AM

To: Jason Peltier

Cc: Tom Birmingham

Subject: RE: No Congressional action on CA Drought Legislation, Congress departs till lame-duck.

90% of what Boxer is quoted as saying is not true. In fact, Doyle called me this morning and admitted he thinks Boxer lied. Apparently someone else called him and complained. Doyle said he was going to talk with the Senator's office again and allow them to correct the record.

From: Jason Peltier [mailto:jpeltier@westlandswater.org]

Sent: Friday, September 19, 2014 1:53 PM

Subject: No Congressional action on CA Drought Legislation, Congress departs till lame-duck.

Congress keeps California water talks flowing

By Michael Doyle

McClatchy Washington Bureau

Published: Thursday, Sep. 18, 2014 - 4:03 pm

WASHINGTON -- Secret California water bill negotiations have a "55 percent to 60 percent chance" of success during the fast-fading 113th Congress, Democratic Sen. Barbara Boxer said Thursday.

In her first extended public comments on the closely held water talks, Boxer voiced cautious optimism even as she criticized House Republicans for trying to exclude Northern California Democrats.

"I'm very hopeful," Boxer told reporters. "I would say the discussions are going well."

Some negotiators convened as recently as Sunday in an effort to narrow remaining differences, Boxer revealed. Like everyone else involved in the ongoing negotiations, she carefully avoided discussing any specifics and declined to identify what the major sticking points might be.

But with so little time remaining, Boxer could find herself holding the key card in what she described as "pretty good, often intense" negotiations.

The negotiators are trying to resolve significant differences between House and Senate bills that respond to California's drought. The GOP-controlled House passed a far-reaching bill in February. It would roll back a landmark 1992 law that directed more water to protect the Sacramento-San Joaquin Delta, remove wild-and-scenic protections from a half mile of the Merced River and authorize new water storage projects, among other provisions.

The Senate countered in May with a slimmed-down bill passed by unanimous consent, also without a committee hearing. Since then, there are muffled suggestions that Democratic Sen. Dianne Feinstein of California and House Republicans have moved closer together, while Boxer and the Obama administration have continued to hold concerns about the legislation's potential impact on the Delta and on protected salmon populations, among other issues.

"Water needed for listed salmon runs greatly helps the non-listed runs us humans on the coast and along the [Sacramento River](#) depend on," John McManus, executive director of the Golden Gate Salmon Association, said in an e-mail last week.

Democrats who voted against the 68-page House bill, and whose congressional districts span part of the Delta, complain that they have been shut out of the subsequent negotiations. Republicans say the Democrats are never going to vote for the final bill anyway; an argument Boxer does not share.

"I think it's foolish," Boxer said of the exclusion. "A recipe for success is everyone sitting around a table and being sincere. . . . We have to be respectful of everyone who has a stake."

Boxer's enhanced role stems, in part, from the congressional calendar and in part from the way the Senate works.

During August, negotiators indicated that a final package would probably have to be wrapped up in September. But September suddenly became shorter when congressional leaders this week declared that both chambers of Congress will effectively depart Friday and not return until Nov. 12.

This means any final package will have to be completed in a lame-duck, post-election session, where the political dynamics can get more complicated. The Senate, in particular, could get even more unpredictable than usual if Republicans gain six additional seats that would give them the majority in January.

Senate rules, moreover, can both help and hinder a bill.

Boxer noted Thursday that if all differences are ironed out, the final California water bill could be passed by unanimous consent, a lickety-split procedure used in May to move the Senate's initial 16-page version. The unspoken converse is that, particularly when time is short, individual senators can stop anything.

"Our goal is to move water where it's most needed, without doing anyone harm," Boxer said.

Separately, the House Natural Resources Committee on Thursday approved a bill by Rep. Tom McClintock, R-Calif., to streamline the approval of Bureau of Reclamation water storage projects. Its long-term prospects are unclear.

From: DCardoza@foley.com
Sent: Friday, September 19, 2014 11:23 AM
To: Jason Peltier
CC: Denny Rehberg; Joe Findaro; David Bernhardt; Tom Birmingham
Subject: Re: No Congressional action on CA Drought Legislation, Congress departs till lame-duck.

This is a real cluster. I'm hearing the Republicans are FURIOUS! I don't at all blame them. I'm calling Peterson to find out what they are hearing. Boxers comment are wrong on so many fronts. Doyle will pick up on this and will start picking at the open wound.

Congressman Dennis A. Cardoza
Foley & Lardner LLP
Suite 600
3000 K Street, NW<x-apple-data-detectors://0/0>
Washington, DC 20007-5109<x-apple-data-detectors://0/0>
Phone: 202.295-4015
Fax: 202.672.5399<tel:202.672.5399>
Email: dcardoza@foley.com<<mailto:dcardoza@foley.com>>

Sent from my iPhone

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On Sep 19, 2014, at 2:02 PM, "Jason Peltier" <jpeltier@westlandswater.org<<mailto:jpeltier@westlandswater.org>>> wrote:

From: Nelson, Damon [<mailto:Damon.Nelson@mail.house.gov>]
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Congress keeps California water talks flowing
By Michael Doyle<http://www.sacbee.com/search_results/?sf_pubsys_story_byline=%22Michael%20Doyle%22&link_location=top>
McClatchy Washington Bureau
Published: Thursday, Sep. 18, 2014 - 4:03 pm

WASHINGTON -- Secret California water bill negotiations have a "55 percent to 60 percent chance" of success during the fast-fading 113th Congress, Democratic Sen. Barbara Boxer<<http://topics.sacbee.com/Sen.+Barbara+Boxer/>> said Thursday.

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From: LinkedIn Invitations
Sent: Monday, September 22, 2014 10:33 AM
To: Jim Watson
Subject: See David's connections, experience, and more



David has accepted your invitation

David Bernhardt

Energy, Natural Resources and Administrative Law Attorney

[View profile](#)

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See anyone you know? Add them to your network!



Peter Lawson
Principal at CH2M
HILL

[+ Connect](#)



Dustin Jones
Supervising
Engineer at Delta...

[+ Connect](#)



Ashley C.
Interconnection
Coordinator at
SolarCity

[+ Connect](#)

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You are receiving Accepted invitations emails. [Unsubscribe](#)
This email was intended for Jim Watson (Deputy GM at Westlands Water District). [Learn why we included this.](#)

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From: James Watson
Sent: Wednesday, September 24, 2014 12:16 PM
To: 'Burman,Brenda W'; Brent Walthall; David L. Bernhardt
Subject: RE: Draft federal language for BDCP
Attachments: FW: BDCP leg draft 4 21 14 redline (40.6 KB)

- Attached is the latest version that I have. It was never distributed to the GMs & we deferred any discussion related to advancing it.

Apologies for the slow response. I was out of the office the past 2 days.

- FYI, there is a 3 PM call today.

Jim Watson, PE
Westlands Water District
Cell: 559 [REDACTED]

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From: Burman,Brenda W [mailto:BBurman@mwdh2o.com]
Sent: Monday, September 22, 2014 10:14 AM
To: Walthall, Brent; DBernhardt@BHFS.com; James Watson
Subject: RE: Draft federal language for BDCP

Brent, I found an april redline version, but believe we have a more up to date version. Jim, what is the last draft that was sent to the GM call group?

From: Walthall, Brent [mailto:bwalthall@kcwa.com]
Sent: Monday, September 22, 2014 9:09 AM
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Subject: Draft federal language for BDCP

Hi Brenda and Dave:

I cannot find the draft language you prepared. I know you sent it to me a couple of months ago, but I have lost/deleted it.

Would you mind resending it to me? Apologies for the extra work.

Thank you,
Brent

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From: James Watson
Sent: Tuesday, April 22, 2014 7:41 AM
To: Brent Walthall
Subject: FW: BDCP leg draft 4 21 14 redline
Attachments: BDCP leg draft 4 21 14 redline.docx

- Attached will be discussed at our Wednesday afternoon call.
- Additional agenda items for Wednesday include the outreach strategy (refer to action items from April 14 call with GMs which are in the Meeting #3 Summary)

Jim Watson, PE
Westlands Water District
Cell: 559 [REDACTED]

From: Burman, Brenda W [mailto:BBurman@mwdh2o.com]
Sent: Monday, April 21, 2014 2:47 PM
To: Bernhardt, David L.; James Watson
Subject: BDCP leg draft 4 21 14 redline

I added some findings. This is for discussion of the small group. If want to leave them out for the larger GM call, that's okay.

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113TH CONGRESS
2D SESSION

To direct the Secretary of the Interior, the Secretary of Commerce, and the Secretary of the Army to implement the Bay Delta Conservation Plan.

IN THE OF _____ THE UNITED STATES

(
) introduced the following bill; which was read twice and referred to the Committee on
referred to the Committee on

A BILL

To direct the Secretary of the Interior, the Secretary of Commerce, and the Secretary of the Army to implement the [Bay Delta Conservation Plan].

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Bay Delta Conservation Plan Act of 2014”

SEC. 2. FINDINGS

(a) For over 40 years, the State of California has had the most robust, comprehensive, state-wide conservation laws in the country.

(b) Unlike the Federal National Environmental Policy Act (42 U.S.C. 4321 et seq),, the California Environmental Quality Act (CEQA)(Division 13 of the California Public Resources Code, Section 21000 et seq) mandates that State and local agencies must mitigate the environmental impacts of proposed projects.

(c) the provisions of the California Endangered Species Act (CESA)(California Fish and Game Code, Sections 2050 et seq) provide protections that are equal to the Federal Endangered Species Act (P.L. 93-205).

(d) Under California law, a Natural Communities Conservation Plan (NCCP) is similar to a Federal Habitat Conservation Plan under the federal Endangered Species Act, but is more protective of the environment because an approved plan must demonstrate that its provisions will work toward recovery of the covered species.

(e) A project that has received approval under California’s CEQA, CESA, and NCCPA laws and regulations will protect and enhance covered species and the environment.

(f) After over eight years of planning, research, and public outreach, the California Department of Fish and Wildlife, the California Department of Water Resources, or both, approved the Bay Delta Conservation Plan under CEQA, CESA, and NCCP on .

SEC. 2. DEFINITIONS.

Formatted: Indent: First line: 0.5"

In this Subtitle -

(a) BDCP - The term "BDCP" or the "Bay Delta Conservation Plan" means the comprehensive conservation plan dated -----, to advance the planning goal of restoring ecological functions of the Delta and improving water supply reliability in the State of California.

(b) BDCP PROPONENTS - The term "BDCP proponents" means Alameda County Flood Control and Water Conservation District, Zone 7; Kern County Water Agency; Metropolitan Water District of Southern California; San Luis & Delta-Mendota Water Authority; Santa Clara Valley Water District; and Westlands Water District. Additional water contractors may become BDCP proponents in the future through the BDCP process.

(c) COVERED SPECIES - The term "covered species" means the covered species identified in the BDCP.

(d) DELTA - The term "Delta" means the Sacramento-San Joaquin Delta in the State of California.

(e) EIR- The term "EIR" means the report prepared by the California Department of Water Resources and the California Game and Fish pursuant to California Public Resource Code section 21000 et seq and the California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq) relating to the BDCP dated -----.

(f) The term "Natural Community Conservation Plans" means the plan are prepared in accordance with the Natural Community Conservation Planning Act of 2003 related to the BDCP dated -----.

(g) The term "BDCP Notice of Determination" means the Notice Of Determination relating to the BDCP filed by the California Department of Water Resources on ----.

(f) SECRETARIES - The term "Secretaries" means the Secretary of the Interior, the Secretary of Commerce, and the Secretary of the Army.

SEC. 3. IMPLEMENTATION.

(a) Implementation – Notwithstanding any other provision of law, the Secretaries are authorized and directed to take all actions to manage and implement the BDCP in accordance with [the BDCP Notice of Determination].

(b) Permitting –

(1) Incidental Take- Notwithstanding any other provision of law, the Secretaries of Interior and Commerce are directed to issue the necessary incidental take permits under Section 10(a)(1)(B) of the Endangered Species Act (16 U.S.C. 1531 et seq.) for the incidental take of the covered species from the construction, operations and maintenance associated with the water conveyances, ecosystem restoration, and other activities described in the [the BDCP Notice of Determination].

(2) BDCP Assurances – Notwithstanding any other provision of law, upon issuance of the incidental take permits pursuant to this section, provided a BDCP proponent is satisfying its obligations under the [the BDCP Notice of Determination], such proponent shall not be required to take any additional action to comply with the Endangered Species Act in the plan area.

(3) U.S. Army Corps of Engineers –Notwithstanding any other provision of law, the Secretary of the Army is directed to issue any permits under his jurisdiction related to the

construction, operations and maintenance associated with the water conveyances, ecosystem restoration, and other activities described in the [the BDCP Notice of Determination] upon the request of the California Department of Water Resources. Any permit issued by the Secretary shall contain such stipulations as the Secretary deems necessary to protect human health and safety.

SEC. 4. COMPLIANCE WITH ENVIRONMENTAL LAW.

(a) Actions taken in furtherance of the [BDCP Notice of Determination] shall be deemed to fully satisfy the requirements of:

- (1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
- (2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et
- (3) Coastal Zone Management Act (cite)
- (4) National Historic Preservation Act (Cite);
- (4) all other applicable Federal laws relating to ; and
- (4) all regulations promulgated under the laws described in paragraphs (1) through (3).

SEC. 5. WAIVER.

(a) In General.--Due to the unique conditions of the Delta, the BDCP proponents and any permittee under any of the Section 10(a)(1)(B) permits issued in connection with the BDCP, may commence a civil action in United States district court to adjudicate, confirm, validate or decree the rights and obligations of the parties under the BDCP and any permits issued in connection with the plan.

(b) Jurisdiction.--The district court shall have jurisdiction over such actions and may issue such orders, judgments, and decrees as are consistent with the court's exercise of jurisdiction under this section.

(c) United States as Defendant.--

(1) In general.--The United States or any agency of the United States may be named as a defendant in such actions.

(2) Waiver. Sovereign immunity.--Subject to paragraph (3), the sovereign immunity of the United States is waived for purposes of actions commenced pursuant to this section.

(3) Nonwaiver for certain claims.--Nothing in this section waives the sovereign immunity of the United States to claims for money damages, monetary compensation, the provision of indemnity, or any claim seeking money from the United States.

(d) Rights Under Federal and State Law.--

(1) In general.--Except as specifically provided in this section, nothing in this section limits any rights or obligations of any party under Federal or State law.

(e) Venue.--Any suit pursuant to this section may be brought in any United States district court in the State in which any non-Federal party to the suit is situated.

SEC. 5. EXTENSION OF AUTHORIZATION.

(a) Title I of Public Law 108-361 (as amended) is amended –

(1) By striking “2015” wherever it appears and inserting “2065” in lieu thereof.

(2) In subsection (a)(2)(A) of Section 103, by striking everything after “described in subsections (c) through (f)”.

(3) In subsection (e)(2) of Section 103, by striking “paragraph (1), (2), and (4) of subsection (f)” and inserting “paragraphs (1), (2), (4), and (5) of subsection (f)”.

(4) By inserting in subsection (f) of Section 103 a new paragraph “(5)” which shall be titled “Public Benefits of Delta Restoration” the following:

“(A) In General. Of the amounts authorized in _____ not more than \$ _____ may be expended for the federal obligation to fund conservation actions identified in either the final Bay Delta Conservation Plan; the Notice of Determination; and the Natural Communities Conservation Plan”.

SEC.6 AUTHORIZATION OF APPROPRIATIONS.

(a) In General.--There is authorized to be appropriated to the Secretaries such sums as may be necessary to meet the obligations of the Secretaries under [the BDCP Notice of Determination], to remain available until expended. [THIS SECTION WILL NEED TO BE REFINED.]

(b) Non-Reimbursable and Non-Returnable.--All amounts appropriated to and expended by the Secretaries for the BDCP shall be non-reimbursable and non-returnable.

From: Walthall, Brent
Sent: Wednesday, September 24, 2014 12:52 PM
To: James Watson; 'Burman,Brenda W'; David L. Bernhardt
Subject: RE: Draft federal language for BDCP

Thanks Jim.

See (hear) you at 3:00.
Brent

From: James Watson [mailto:jwatson@westlandswater.org]
Sent: Wednesday, September 24, 2014 12:16 PM
To: 'Burman,Brenda W'; Walthall, Brent; David L. Bernhardt
Subject: RE: Draft federal language for BDCP

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Cell: 559 [REDACTED]

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From: Walthall, Brent
Sent: Monday, September 29, 2014 12:53 PM
To: James Watson; 'Burman,Brenda W'; David L. Bernhardt
Subject: Multi-Agency BDCP Document
Attachments: Final-Status-Update-2010-12-15.pdf

Hi Jim, Brenda and David:

Attached is the document I mentioned last Wednesday.

Our purpose in finding this document was to find out if we have included all of the necessary federal agencies in any bill we may decide to pursue next year. The attached federal document includes 6 federal agencies. Really only 3 are central to the BDCP, but this at least shows us which federal agencies the feds themselves think are part of the BDCP, and the roll of each.

Brent



INTERIM FEDERAL ACTION PLAN STATUS UPDATE FOR THE CALIFORNIA BAY-DELTA: 2011 AND BEYOND

Introduction and Executive Summary

In December 2009, six Federal agencies issued an Interim Federal Action Plan for the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta), describing a variety of Federal actions and investments the Administration has been undertaking or will take to help address California's water supply and ecological crises. Important strides have been made on the activities described in the Interim Federal Action Plan to address several of the causes of ecosystem decline and to bring greater reliability to management of water supplies. Nearly all of these actions have been undertaken in close cooperation with the State of California.

Now, the State is at an important transition point as Governor-elect Brown prepares to assume office and assume leadership over a process to achieve the goals set forth by the legislature and Governor Schwarzenegger in landmark legislation in 2009. This Status Update will help inform the incoming administration – and other key leaders in California, including the legislature and the Delta Stewardship Council, in their respective roles - of Federal efforts in the Bay-Delta and underscore the Obama Administration's commitment to continue its strong and productive partnership with the State. This document includes a review and update of the six Federal agencies' progress to date in carrying out the Interim Federal Action Plan and presents the agencies' immediate priorities for addressing the critical issues of ecosystem decline and water supply uncertainty. The Update also reports on near term accomplishments to address water conservation and efficiencies, water quality and other stressors, assistance to farmers, and other actions going forward.

While addressing the challenges in the Bay-Delta requires action on multiple fronts, the centerpiece of any such strategy is a long-term plan for ecosystem restoration and water management in the Bay-Delta. Accordingly, this Update also focuses on the Federal government's engagement in and perspectives on development of the Bay Delta Conservation Plan (BDCP), a proposed long-term plan to address critical ecosystem and water supply issues.

This Update is intended to complement the California Natural Resources Agency's newly released report entitled "Highlights of the BDCP" (Dec. 2010) (BDCP Highlights) that describes the background and status of the BDCP and outlines the major components of the State's anticipated 2011 proposal for it. This document confirms the Federal government's commitment to advance the BDCP process to a successful conclusion. The Federal government will do its part to ensure that work on the BDCP and other efforts to address the State's water problems continue unabated as the State of California transitions to a new Governor and State administration.

The Need for a New Long-Term Approach to Water Management in the Bay-Delta
Bay-Delta Conservation Plan: A Comprehensive Habitat Conservation Plan for the Bay-Delta:

- As discussed in more detail below, the Federal Government agrees with the State of California that the current infrastructure and institutional approach for managing water resources in the Delta is unsustainable. The ongoing conflict between ecosystem health and water delivery through and from the Delta has reached a dangerous tipping point. Environmental indicators of all types -- ranging from species nearing extinction to increased contaminants and accelerated degradation of habitat -- are at their lowest levels in decades. Moreover, the water deliveries through the Delta are imperiled by the very same environmental degradation, by inevitable drought cycles such as the one experienced only earlier this year. Further, predicted sea level rise, and the growing realization

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over the next several decades, could bring severe and long-term disruption of the delivery system for bringing freshwater to farms in the Central Valley and to southern California's cities.

Fortunately, many years of intensive study of the Bay-Delta's continuing decline and a related search for a long-term response to the unsustainable status quo have resulted in great strides to identify a science-based solution that calls for the separation of water needed to sustain the Bay-Delta itself from water conveyed to south-of-Delta farms and cities. Many independent scientists and policymakers agree that new infrastructure operated in a manner that reduces the conflict between water exports and Bay-Delta fisheries and can survive catastrophic levee failures and sea level rise, together with investments in restoring Delta habitat and water quality, are the keys to building a sustainable future for the Delta and for all of those who rely on it.

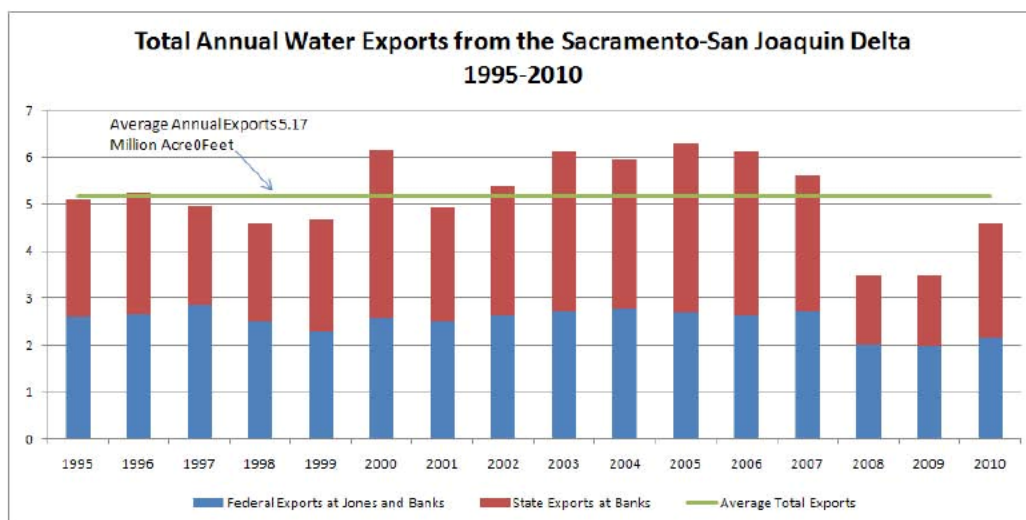


Figure 2 – Source: Bureau of Reclamation

The BDCP, which has been taking shape over the past four years, is an initiative for carrying out this much-needed and fundamental change in the infrastructure and management of the Bay-Delta system. Through an intense stakeholder-based effort, planning for the BDCP has focused on analyzing whether the State of California's legally-mandated twin goals of improving the Bay-Delta ecosystem and providing a more reliable water supply can be achieved through infrastructure that separates some water exports from the natural tidal and tributary-fed flows of the Bay-Delta (e.g., a tunnel or similar water conveyance facility) (See Figure 3). The good news is that preliminary modeling results summarized in the State's BDCP Highlights suggest that a new facility can be operated in a manner that would generate average annual water exports over the long term that are more reliable and greater, than the average annual exports that would be achievable under current constraints. For context, this modeling also suggests that these quantities may be comparable to the average annual Delta exports that have occurred since the Bay-Delta Accord, 15 years ago (Figure 2). Further, such an approach, coupled with both science-based operating criteria and other measures to address species and habitat needs and a sufficient level of assurance that ecological goals will be met, provides strong cause for optimism that a successful BDCP that achieves the dual ecosystem and water delivery goals can be designed and implemented.



Figure 3 –This preliminary map provides locations of current alignment options; actual locations may be subject to change per environmental screening and site access considerations. Source: Bureau of Reclamation

Based on the risks described earlier, it is imperative that the BDCP process move forward expeditiously to acquire, analyze, and incorporate additional scientific data into the decision-making process and complete a science-based draft plan. This concept is fundamental to the Federal government's strategy to bring the BDCP process to a successful conclusion, consistent with both state and Federal law.

Much work needs to be done, including further analytical work, preparation of environmental review documents and due consideration of public input pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), and soliciting the advice of the panel of independent scientists

assembled by the National Academy of Sciences. Nevertheless, the BDCP work completed to date provides a strong basis for constructive collaboration that has been missing from California's water picture for years.

Even as work continues on the BDCP, however, it is important to emphasize that the Federal government joins with the State of California in recognizing that additional steps are needed to secure California's water future. That is why the Federal government is continuing to pursue the Interim Federal Action Plan that was developed last year and goes beyond the BDCP's primary focus on the Bay-Delta's water management system, including broader-based initiatives to conserve water, to improve water quality, to address invasive species issues (including predators), and to improve levee integrity. Updates on these activities are set forth below.

Likewise, the Federal government remains focused on short-term measures to improve water supplies and ecosystem health. Over the past two years, the Department of the Interior, for example, has invested over \$500 million dollars in major projects to improve California's

water infrastructure, including the construction of the Delta-Mendota Canal/California Aqueduct Intertie, the Red Bluff Diversion Facility, Contra Costa fish screen, a large number of water reuse and water conservation projects, and the safety of improvements at Folsom Dam. The Administration also plans to continue, as needed, certain water augmentation activities it developed in the 2010 water year as an additional assurance that adequate supplies will be available from the Central Valley Project (CVP) in the 2011 water year. These activities include continued improvements to and coordination of integrated operations with the State Water Project (SWP), source shifting by SWP contractors, diversification of refuge water supplies, and additional opportunities to employ water transfers within the CVP and SWP service areas. (Figure 1)

The Need for a New Long-Term Approach to Water Management in the Bay-Delta

The environmental and water reliability crisis facing the Bay-Delta is severe, well-documented, and immediate.² It has become increasingly clear in recent decades that this highly-engineered system, built generations ago and designed to serve a state population less than half of what it is today, cannot sustainably meet either the ecological needs of the Bay-Delta or the human needs for reliable water deliveries. California's rapid development during the twentieth century led to the creation of a water conveyance and delivery system that today withdraws large quantities of freshwater from the Delta. In addition, most wetland, marsh, and riparian areas in the Delta have been eliminated and transformed into farmland or urban developments. Discharges of contaminants from human activities, both urban and agricultural, have dramatically increased as the area's population has grown.

As a result of these factors, the Bay-Delta's biologically diverse ecosystem is in serious decline. Several fish populations are trending downward to dangerously low levels. The commercial and recreational salmon fishing season in California has been closed for almost all of the past three years, and the Delta smelt population has declined so severely that extinction is a distinct possibility. As a result, water exports through the Delta have been restricted to protect critically at risk fish species, causing both uncertainty and reductions in water supply to urban and agricultural water users who rely on the Delta for their water deliveries.

² See, e.g., "Comparing Futures for the Sacramento-San Joaquin Delta," Lund et al., 2008, at pp. 8-14 (prepared by economists, engineers, biologists, and a geologist from the Public Policy Institute of California and the University of California at Davis). See also "A Scientific Assessment of Alternatives for Reducing Water Management Effects of Threatened and Endangered Fishes in California's Bay-Delta," National Research Council, 2010, at pp. 11-14. See also Cal. Water Code Section 85001 (2009).

Beyond the ecological and water system reliability problems already plainly apparent, the present water delivery system is at significant risk of catastrophic failure as a result of earthquakes, levee breaches, or other natural disasters, (See Figure 4) ³ and it faces substantial additional risk as a result of climate change. It is more likely than not that either an earthquake or a flood will occur at some point in the next few decades that will cause widespread levee failure and loss of Delta islands, which will, among other things, lead to salt water intrusion of the CVP and SWP facilities. ⁴ (See Figure 5)

Climate change poses what are likely to be even more daunting challenges for the future. As the National Research Council Committee on Sustainable Water and Environmental Management in the California Bay-Delta stated in a recent report:

In the longer term, climate change presents uncertainties and challenges with its anticipated impact on precipitation, snowpack, stream flow, and rising sea level, which will affect not only salinity and riparian habitats in the Delta but likely also will threaten the integrity of the extensive system of levees (1,100 miles in length). ⁵

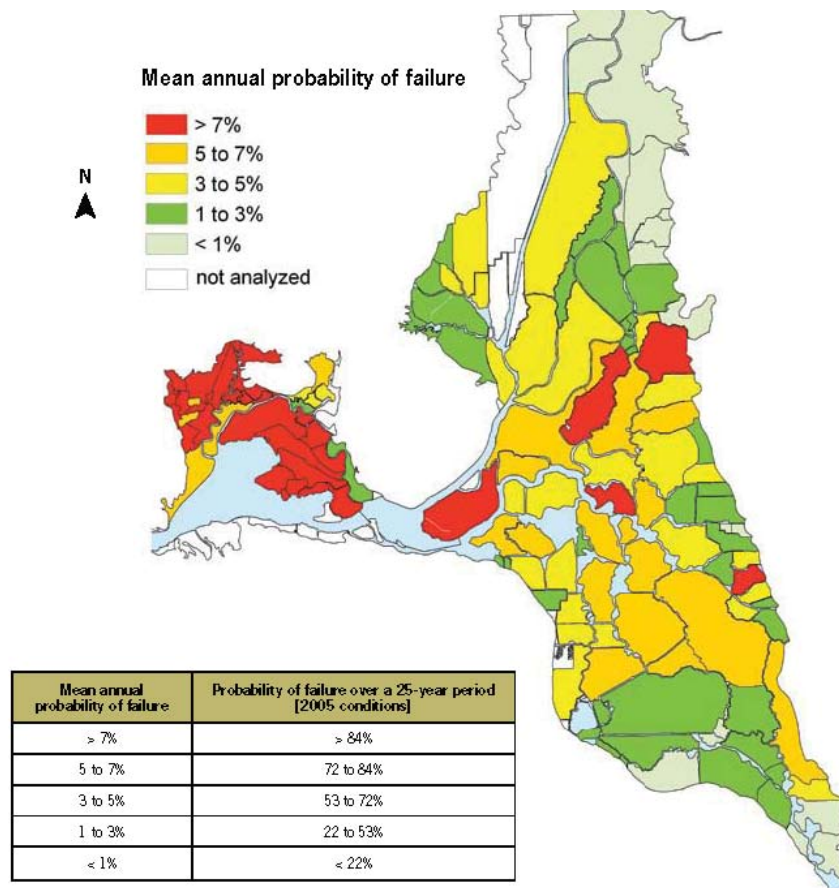


Figure 4 - Mean Annual Probability of Levee Failure in the Delta Region from the Combined Risk of Earthquakes, High Water, and Dry Weather Failures (2005 Conditions) Source: Delta Risk Management Strategy (2008)

³ According to a recent scientific report, “there is a two-in-three chance that 100-year recurrence interval floods or earthquakes will cause catastrophic flooding and significant change in the Delta by 2050.” Mount, J., and R. Twiss, “Subsidence, sea level rise, seismicity in the Sacramento-San Joaquin Delta,” *San Francisco Estuary and Watershed Science* 3 (1), March 2005, Article 5, at pp. 1.

⁴ Mount, J., and R. Twiss, 2005, pp. 15.

⁵ “A Scientific Assessment of Alternatives for Reducing Water Management Effects of Threatened and Endangered Fishes in California’s Bay-Delta,” National Research Council, 2010, at pp. 13. In addition, preliminary modeling done in connection with the BDCP anticipates that climate change will reduce the amounts of water available for deliveries.

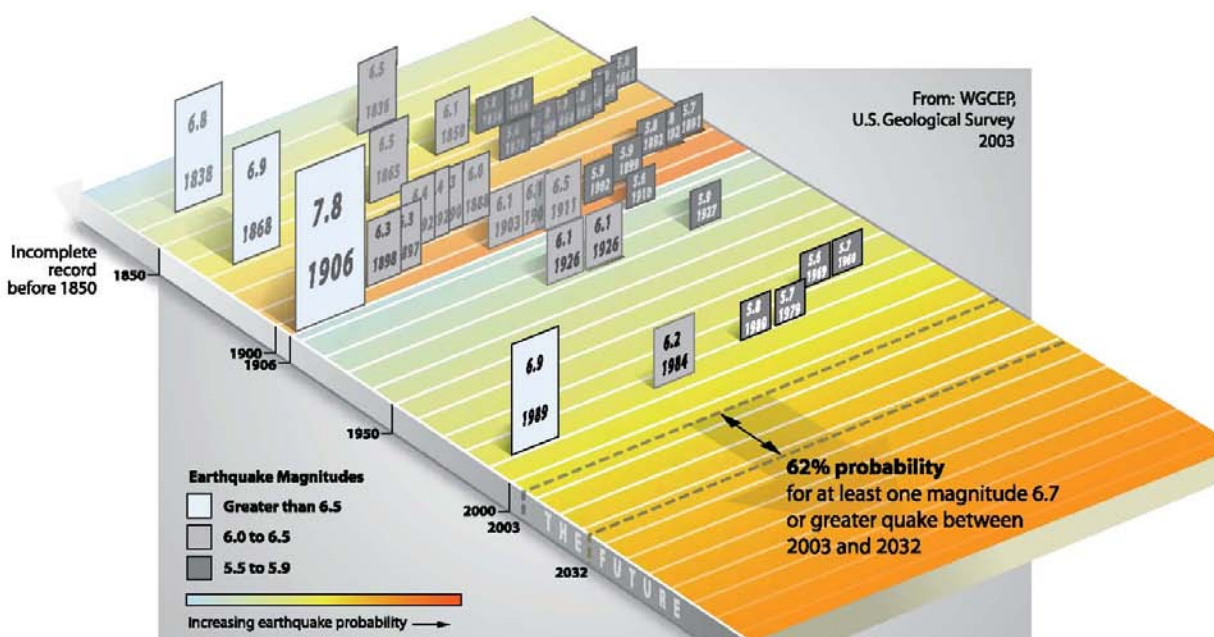


Figure 5 - Past and Future Earthquakes in the San Francisco Bay Area and the Delta Region. Source: Delta Risk Management Strategy (2008)

Experts predict global sea-level rise that may substantially exceed the estimates by the Intergovernmental Panel on Climate Change of sea level rise between 7 inches and 2 feet by 2100, suggesting the rise could be between 3 and 4 feet.⁶ In addition, scientists anticipate substantial reductions in water supplies due to altered precipitation and runoff and reduced snowpack due to climate change. Such forecasted events, which would have large effects on both the ecosystem and the water supply system of the Bay-Delta, are being incorporated into the modeling being done for the BDCP.⁷

A broad consensus has emerged among scientists that the status quo of the Delta and the water delivery system through the Delta is no longer viable. The Public Policy Institute of California and a group of academic scientists, engineers, and economists (PPIC-UC Davis Group) after years of study recently came to the conclusion that “continued use of through-Delta pumping is risky and unlikely to be the best alternative from either a statewide economic perspective [or] an environmental perspective.”⁸ As they explained,

The Delta faces inevitable changes that make present water policies unsustainable. Rising sea level, continued land subsidence, earthquakes, invasive species, and a worsening climate for floods are among the changes that will overwhelm current Delta

⁶ Karl, T., J. Melillo, et al. (eds.) “Global Climate Change Impacts in the United States,” Cambridge University Press, 2009, at pp. 25-26.

⁷ BDCP Steering Committee Meeting Minutes, April 22, 2010, http://baydeltaconservationplan.com/Libraries/SC_Agendas_and_Handouts/10_07_10_SC_HO_draft_mtg_notes_4_22_10.sflb.ashx.

⁸ Lund, et al., 2008 at pp. 166.

management for local agriculture and statewide water supply. With major undesirable consequences foreseen for almost all stakeholder interests, current Delta management implies its own demise.⁹

The Delta Vision Blue Ribbon Task Force (Task Force) created by Governor Arnold Schwarzenegger with a mandate to “develop a durable vision for sustainable management” of the Delta, reached a similar conclusion in 2008, noting that the Delta is “critically important” to California, and it “cannot be sustained as we know and use it today.”¹⁰

Notably, the Task Force went beyond identifying the problem facing the Bay-Delta. It articulated the “co-equal goals” of a healthy Delta ecosystem and a reliable water supply for California that have since become the cornerstone of both the State’s recently-enacted water legislation, and, as discussed below, the BDCP. It also pointed toward a solution, supporting the construction of a new north Delta diversion and an associated water conveyance facility as the most economical way to achieve both environmental sustainability and water supply reliability in the Bay-Delta.¹¹ The Task Force urged prompt action, warning that “[p]rocrastination will result in irretrievable losses: severe reductions in water uses and severe damage to the estuarine ecosystem.”¹²

Having determined that the status quo of the Bay-Delta is unsustainable, the PPIC-UC Davis Group then asked the question: what should be done in the face of this unsustainable status quo?¹³ They compared the economics of the various possible courses of action for addressing the through-Delta water delivery system while protecting the ecosystem issue.¹⁴ What they found was that the most expensive course of action was to simply continue using the current water delivery system.¹⁵ While the initial costs of this “no action” option are lower, when a disaster strikes, as it certainly will at some point, massive disruptions to both the ecosystem and the water delivery system will result, and the costs of addressing them will be extremely high.¹⁶ They found that the construction and proper operation of a new north Delta

⁹ Lund, et al., 2008, at pp. xii.

¹⁰ “Delta Vision: Our Vision for the California Delta,” Governor of California’s Blue Ribbon Task Force, http://deltavision.ca.gov/BlueRibbonTaskForce/FinalVision/Delta_Vision_Final.pdf, at pp 7.

¹¹ Lund, et al., 2008, at xv-vi (“A peripheral canal is a necessary component of a long-term solution that serves economic and ecosystem objectives co-equally: Sea level rise will make Delta export pumping increasingly unattractive and eventually infeasible. The long-term water export choice is between building a peripheral canal (which is best for the economy) and ending Delta exports (which is best for fish). A potential compromise is to allocate some of the savings generated by a peripheral canal to enhanced ecosystem investments.”), http://www.ppic.org/content/pubs/report/R_708EHR.pdf.

¹² “Delta Vision: Our Vision for the California Delta,” Governor of California’s Blue Ribbon Task Force, http://deltavision.ca.gov/BlueRibbonTaskForce/FinalVision/Delta_Vision_Final.pdf, at pp. 4.

¹³ Lund, et al., 2008, at pp. iii.

¹⁴ Lund, et al., 2008, at pp. iii.

¹⁵ Lund, et al., 2008, at pp. xiii (“Sea level rise, earthquakes, continued land subsidence, and higher winter flood flows will increase the frequency and costs of Delta island failures. Maintaining all Delta islands is not cost-effective.”).

¹⁶ Lund, et al., 2008, at pp. xiii.

diversion, operated either alone or in tandem with the existing south Delta diversions, constitutes a promising long-term approach, ecologically and economically.¹⁷

The stark facts set out above are a call for action to push to fruition the very substantial work already done by the Federal and State governments and many others in recent decades to restore the Bay-Delta ecosystem, improve water quality, and enhance water supply reliability, while at the same time preserving the values of the Delta and its communities. The principal mechanism to accomplish this is the BDCP, which seeks to achieve the goals of ecosystem restoration and improved water supply reliability through the construction and appropriately calibrated operation of a new north Delta diversion and conveyance, extensive habitat restoration, and other science based actions.

The Bay-Delta Conservation Plan: A Comprehensive Conservation Plan for the Bay-Delta

The BDCP is a collaborative effort that has been under way since 2006 to develop a long-term plan to achieve the twin objectives of a healthy Bay-Delta and a reliable water supply for water users who depend on through-Delta conveyance. It is the keystone for restoring and protecting the Bay-Delta ecosystem and California's water supply system for the long-term. The Department of the Interior, through the Bureau of Reclamation (Reclamation) and the Fish and Wildlife Service (FWS), and the Department of Commerce, through the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS), together with the U.S. Army Corps of Engineers (USACE) are spearheading the significantly enhanced Federal engagement on the BDCP.¹⁸

The Federal agencies believe that in light of the unsustainable and unacceptable status quo of the Bay-Delta and of the potential for disaster to strike in the form of an earthquake or other event that causes widespread levee failures, inaction is not a viable option. Action must be taken to achieve the dual goals of ecosystem protection and water supply reliability, and must be tailored to assure that the interests of the residents and communities of the Delta are considered and protected.

Based on substantial analysis to date, the Federal agencies strongly support a plan that includes a new conveyance facility that would include new north Delta diversion facilities and a new system to convey water from north of the Delta to the south. The operation of such a facility, together with limited export operations from existing facilities in the south Delta, referred to as "dual conveyance," with both operations subject to new science based operating criteria, are intended to provide significantly increased flexibility and optimize both species protection and water supply reliability. This conveyance approach, together with substantial amounts of Delta habitat restoration and a robust monitoring and adaptive management plan,

¹⁷ Lund, et al., 2008, at pp. viii, xiv.

¹⁸ Of the six Federal agencies that comprise the Federal Bay-Delta Leadership Committee, the Departments of Interior and Commerce have been most deeply involved in the planning and development process for the BDCP. Reclamation, NMFS, and FWS, as well as the USACE, are members of the BDCP Steering Committee. The other agencies have not reviewed BDCP documents and materials to any substantial degree and therefore do not have a basis for reaching any specific conclusions regarding the proposed BDCP as it stands at this time.

offers great promise to be the most cost-effective and scientifically sound framework to achieve the co-equal goals for the Bay-Delta.

The current working draft of the BDCP released by the BDCP Steering Committee on November 18, 2010 demonstrates significant progress towards this type of comprehensive plan. While substantial work remains on a number of key elements of the plan, as discussed below, the Federal agencies believe the progress to date provides a strong foundation for completing the BDCP.

Principles for Federal Bay-Delta Action

In addition to support for the new north Delta diversion based on its environmental and water supply benefits, the Federal agencies are guided by the following principles:

- 1. Support for Co-Equal Goals:** The Federal agencies support the dual objectives of the BDCP of restoring both the ecological health of the Delta, restoring water supply reliability for the agricultural and municipal communities that depend upon it, while at the same time protecting and enhancing the unique cultural, recreational and agricultural values of the Delta. These goals are synonymous with the principles and policies in the landmark package of water related legislation approved during special session of the California legislature in 2009 (Cal. Water Code Section 85054).
- 2. Intensive Federal Engagement and Commitment to Success:** Federal agencies are committed to advancing a successful plan that includes the following components: a new north Delta diversion and conveyance facilities governed by operational criteria in both the North and South Delta that provide a predictable water supply and help conserve covered species; a major habitat restoration program covering a range of habitat types and locations throughout the Delta; measures to address other stressors, including predation, pollutant loadings, and invasive species; a robust monitoring and adaptive management plan with measurable biological objectives and metrics by which to track progress and make adjustments; and provisions intended to reasonably assure that water supply and ecosystem goals are achieved. The Federal agencies are committed to continuing their close partnership with the State in both its applicant (Division of Water Resources (DWR)) and reviewer (Delta Stewardship Council and Department of Fish and Game (DFG)) capacities. Federal agencies are also committed to continuing the ongoing collaborative planning effort for the BDCP and to working closely with other stakeholders to achieve a successful plan that provides for a sustainable Bay-Delta.
- 3. Use of Best Available Science and Independent Scientific Reviews:** The Federal agencies are committed to using best available science in the development of a scientifically sound BDCP, during their regulatory reviews of the BDCP, and in the implementation of the BDCP. The agencies support timely independent scientific reviews (by, for example, the National Research Council, the Delta Science Program, and the Delta Independent Science Board) to assist in developing and carrying out the plan. Such reviews are particularly important, given the large areas of scientific uncertainty

and the extraordinary importance, complexity, and cost of the BDCP. Toward that end, the Departments of the Interior and Commerce have requested that the National Research Committee prepare a report assessing the adequacy of the use of science and adaptive management in the BDCP. In addition, consistent with the March 2010 Bay-Delta report by the National Research Council,¹⁹ the two Federal departments have developed and are implementing both a short-term and a long-term integrated science program for the Bay-Delta to support improved decision-making in the short-term, as well as development and implementation of the BDCP.

- 4. Transparency and Public Input:** The Federal agencies support open public processes and reviews throughout the course of the BDCP planning process to continually improve the plan and promote broad public understanding of the plan and its effects. The Federal agencies believe that broad public involvement and support is necessary for effective implementation of the proposed plan and for achieving the co-equal goals for the Bay-Delta.
- 5. Consider a Full Range of Alternatives:** The Federal lead agencies responsible for NEPA compliance (FWS, NMFS, Reclamation) are committed to ensuring that a reasonable range of alternatives for achieving the purpose and need for the BDCP is presented in the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and that the environmental effects of the proposed plan upon its completion and of the proposed alternatives are properly analyzed. Providing a thorough analysis of a range of alternatives for public review makes for a well-informed public debate and good decision-making.

Fundamentals of the Bay-Delta Conservation Plan

The BDCP, as envisioned, would be a long-term plan of up to 50 years for the conservation and management of aquatic and terrestrial species within the Bay-Delta and the natural communities upon which they depend. On completion, it could be one of the largest and most complex species protection plans in the nation. The BDCP is intended to satisfy the requirements for both a habitat conservation plan (HCP) under the Federal Endangered Species Act (ESA) and a Natural Community Conservation Plan (NCCP) under the California Natural Community Conservation Planning Act.

Although Federal agencies work closely with the State and other stakeholders to advance a successful BDCP proposal, State and Federal agencies play very different roles in support of the BDCP. The BDCP is a State-proposed plan; the State's Department of Water Resources (DWR), owner and operator of the SWP, is currently anticipated to be the primary permit applicant for the BDCP under Section 10 of the Endangered Species Act. Reclamation, as operator of the CVP, works closely with the State's DWR and would conduct CVP operations in accordance with the plan, but is not a permit applicant. Instead Reclamation is subject to Endangered Species Act Section 7 requirements. Reclamation expects to pursue Section 7

¹⁹ "A Scientific Assessment of Alternatives for Reducing Water Management Effects on Threatened and Endangered Fishes in California's Bay Delta," National Research Council, 2010.

consultation with NMFS and FWS for CVP operations with the BDCP as part of the project description. The Federal regulatory agencies also have multiple roles in this process. Most notably, FWS and NMFS will be called on to determine whether the BDCP meets the requirements for a Habitat Conservation Plan under the Federal ESA. Furthermore, FWS, NMFS, and Reclamation are also co-leads of the environmental review of the BDCP, which will give rise to an EIS/EIR under the NEPA and CEQA. For a map of CVP and SWP facilities and service areas, please see figure 5.

Once the BDCP is approved, other Federal regulatory agencies may also be called upon to evaluate and, if appropriate, issue permits for implementation of various elements of the BDCP. For example, the USACE will most likely need to issue permits under the Rivers and Harbors Act for activities that may affect the course, condition, or capacity of navigable waters ("Section 10" permits) and/or permits allowing modification of existing USACE projects ("Section 408" permits). Similarly, USACE and U.S. Environmental Protection Agency (EPA) have regulatory obligations in the issuance of Clean Water Act Section 404 permits for discharge of dredge or fill material into the waters of the United States.

All Federal regulatory agencies that will make or participate in determinations on any aspects of the BDCP or its subsequent implementation must necessarily have some separation from the BDCP planning process so that they can approach their regulatory obligations in an independent and science-based manner.²⁰ Therefore, while the Federal agencies take this opportunity to underscore their commitment to a successful and legally sufficient BDCP, and to set forth the principles that guide this commitment, they also will remain steadfast in meeting their obligation to ensure that the BDCP will meet the requirements of all Federal laws.

The BDCP Steering Committee has recently consolidated the results of its efforts to date in a single lengthy document posted in late November on its website. As stated by the Steering Committee, considerable work remains to be done to create a complete draft of the plan. In addition to the Steering Committee document, the California Natural Resource Agency's recently issued report, "Highlights of the BDCP," presents in summary fashion the background of the BDCP, its current status, and suggestions for addressing relevant issues.

The core elements of the BDCP described in the Steering Committee draft and the BDCP Highlights document include the following:

- 1) a new water conveyance facility to move water from north of the Delta to south of the Delta, together with science-based operating criteria to manage the operation of the diversion, conveyance and any in-Delta facilities that may continue to operate;
- 2) substantial measures to restore and protect tidal marsh, floodplain, and riparian habitats well distributed across the Delta;

²⁰ Accordingly, the views of Federal agencies expressed in this report are preliminary and subject to change as new information becomes available. They are not "decisions" or "final decisions" of the agencies and should not be so construed. Furthermore, a number of federal agencies have formal regulatory review and permitting authorities associated with numerous actions encompassed by the BDCP and specific criteria by which to exercise those authorities. At this juncture in the planning process, no decisions have or can be made on the outcome of those regulatory reviews. All of the representations in this report must be understood are very preliminary and are not intended to prejudice the outcome of those reviews.

- 3) measures to address actions other than the water diversions by the state and Federal water projects (known as “other stressors”) that adversely affect the ecosystem; and
- 4) a detailed monitoring and adaptive management plan that measures the biological effects of management measures under the BDCP and provides a mechanism to adjust the implementation of the plan to ensure its effectiveness in meeting its goals and objectives.

Current estimates place the costs of the new north Delta diversion and conveyance facility in the neighborhood of \$13 billion. The proposed plan would call for State and Federal water contractors to pay those costs. The State currently anticipates that the State and Federal governments would pay for certain elements of the habitat restoration program, for which the costs are currently estimated to be about \$3.3 billion. The Federal government must review the components of any proposed plan and understand the costs and benefits such a plan would have on Federal water resources in California and on Federal taxpayers.

DWR, as the owner and operator of the SWP, will be an applicant and, once the plan is approved, the permittee under the ESA and NCCP Act. In addition, state and Federal contractors who will make substantial financial commitments to the project as part of the overall habitat conservation planning (HCP) effort have indicated their strong desire to be permittees, and the California Natural Resources Agency has stated its support for this result. The Federal agencies recognize that a formal relationship typically is established between private parties that are making investments in an HCP and governmental entities whose regulatory strategies are shaped by the HCP. The HCP permit and accompanying Implementing Agreement can provide the vehicle for defining this relationship and, as a result, the federal agencies believe that contractors making significant investments in the HCP can be permittees. The Federal agencies anticipate that additional discussions with contractors will occur on these issues as the process moves forward, and that permit conditions will be limited by applicable legal requirements and that permittees will not acquire any new authority over water project operational decisions or delegated authority from governmental agencies.

Core Elements of the Proposed Bay-Delta Conservation Plan

Below, we provide a Federal assessment of several key issues related to the core elements of the plan that is under development. Included in the discussion is an assessment of the status of these matters and a current Federal perspective on the path forward in light of these issues.

- 1. Biological Goals and Objectives:** FWS and NMFS will apply their “5-Point Policy” for habitat conservation plans (65 Fed. Reg. 35242 (June 1, 2000)) to the BDCP. Consistent with that policy, they believe that the BDCP should include clearly defined and scientifically supported biological goals and objectives, with meaningful and measurable metrics for determining whether they are achieved. While good foundational work has been achieved on the core goals and objectives for the plan, considerable work remains on developing more refined, measurable, quantitative objectives and the metrics by

which to track progress towards those objectives over the course of implementing the plan. This work is ongoing.

2. **Adaptive Management:** The Federal agencies support the approach of the proposed BDCP Adaptive Management Plan developed by the BDCP Steering Committee and believe it provides the framework for continued development of a robust adaptive management plan tiered to the biological goals and objectives. The essential next steps in framing the program, as recognized by the stakeholders, are the refinement of defined goals and objectives, establishment of well-defined metrics and monitoring components linked to those goals and objectives, structuring the incorporation of independent science reviews into plan implementation, and linking these metrics closely to plan implementation, decision-making with appropriate triggering mechanisms for adjustments as implementation proceeds.
3. **New North Delta Diversions and Conveyance:** The BDCP Steering Committee draft and the state's BDCP Highlights report identify a specific size, configuration (dual bore tunnel), and routing of a new conveyance facility that would move water from the north of Delta to south of Delta. The most significant effects of the facility, other than construction, will be determined by the operations criteria described below. The Federal agencies support the continued study and development of the design and configuration of a new conveyance facility, as well as diversion structures, to be governed by applicable operating criteria to inform decisions on their size, design and location. Additional analysis of the effects of the facilities on the environment, on covered species, and on humans, as well as cost considerations, may result in changes to the specifics described in the Steering Committee draft, the BDCP Highlights document, or identify additional areas for refinement. The modeling and analysis in support of the BDCP to date have included conveyance facilities of varying sizes, ranging from 3,000 to 15,000 cfs. The selection of the size conveyance to include in the plan will depend on the outcome of ongoing analysis. A conveyance facility of any size in the range under evaluation could be permitted, provided the BDCP and accompanying NEPA documentation meet all legal requirements.

One major interest relates to the size and performance of the diversions and screening structures themselves. The configuration described in the state's BDCP Highlights document calls for five 3,000 cfs intake structures along the banks of the Sacramento River, each up to 1700 feet long, i.e., more than one and one-half miles of fish screens and water intakes. The large scale of the proposed diversion and intake structures is unprecedented and poses significant engineering and biological challenges.

In light of the above factors, FWS and NMFS anticipate that they will recommend a performance-standards approach to the diversion and intake structures, whereby the plan would establish early on the operational performance standards for the diversions (expressed in terms of screening performance criteria, bypass flows, juvenile salmon survival rates, predation rates, and other relevant metrics that will account for the effects of the diversion facilities). These standards would be used in evaluating the structure design, construction, testing, and adjustment activities. Build-out of the full

diversion capacity of the system would likely be conditioned on the demonstrated ability of the diversion structures to meet these performance standards. The agencies may recommend a phased approach to the design and construction of these facilities in order to test facility operations and avoid unacceptable species impacts and stranded investments if the performance of the initial units proves insufficient.

4. **Effects Analysis:** Many stakeholders recognize the essential role of a scientifically robust analysis of the effects of the proposed plan and alternatives in order both to inform good decisions and to ensure that they are scientifically sound and legally defensible. Work on the effects analysis is continuing. Not surprisingly, modeling the biological and water supply effects in a very complex system over up to a 50-year time period is extremely challenging and difficult. Given these complexities, Federal agencies have long anticipated that development of operational criteria and completion of the effects analysis would occur in an iterative manner, with successive revisions and refinements shaped by each round of modeling results. The iterative state of the effects analysis is now underway and good progress is being made.

The effects analysis has recently broadened to include evaluation of additional parameters that are increasing the range of potential options, and the early modeling results appear promising that a new conveyance facility with water deliveries above the status quo could be possible while achieving the required species protection goals. The Federal agencies will continue to work with the State and other parties to ensure that a sufficiently broad range of potential water operations scenarios are analyzed and provide a robust evaluation of the habitat restoration and other stressors measures that are being proposed for inclusion in the BDCP. The Federal agencies intend to bring about the timely completion of an effect analysis that can provide a reliable basis for moving the process forward.

5. **Operational Criteria:** A central feature governing the acceptability of a final BDCP is the operational criteria that will govern how the CVP and SWP are operated, both before and after construction of a new conveyance facility and through the permit term. These operational criteria are expected to directly affect the ability of the plan to achieve its dual goals. The Federal agencies support the concept of establishing a broad adaptive management range (sideboards) with initial operational criteria within the sideboards.

The topic of the operating criteria may be divided into the near-term and the long-term. Operating criteria for existing facilities during the period prior to construction of a new conveyance facility, also called “near-term water operations,” are in the early stages of development. The Federal agencies support modeling a range of criteria to help define the initial near-term operating criteria and adaptive ranges for inclusion in the BDCP.

Operating criteria for the period following construction of a new conveyance facility, the “long-term operating criteria,” have been subject to an initial round of biological and water supply effects modeling. The first full iterative stage of the effects analysis for these long-term criteria is underway at this time and good progress is being made. Modeling of refinements to the operational scenarios intended to address

identified biological issues is occurring at this time. While additional refinements are necessary, preliminary results appear to show the potential for a level of water exports greater than current conditions and compatible with the dual goals of the BDCP, due in part to the increased flexibility provided by a new north Delta diversion coupled with existing south Delta facilities.

- 6. Habitat Restoration:** The Federal agencies strongly support efforts to restore a range of habitat types and functions across the Delta, and generally support the multiple components of the BDCP habitat restoration program as currently conceived. Included among the several factors the agencies will emphasize are: (1) certain habitat restoration should be expedited such that substantial restoration occurs before operations of a new conveyance facility commence in order to begin to realize and evaluate the effects of the restoration earlier rather than later; (2) adequate funding for habitat restoration should be assured; (3) habitat restoration should be closely integrated with water quality and flood risk reduction activities and programs within the Delta; and (4) robust monitoring and adaptive management programs should allow for significant revisions to habitat restoration activities based on new data and circumstances. The agencies acknowledge that current capacity to quantify the ecological benefits anticipated from these program elements varies across different habitat types and across species, as recognized by independent science authorities, including the National Research Council. The monitoring plan will therefore be critical to assess the response of species to the habitat restoration actions.
- 7. Water Quality:** There are numerous significant challenges associated with protecting and restoring water quality within the Bay-Delta which the state and Federal water quality authorities and many other parties are addressing. These challenges may be substantially affected by various elements of the BDCP. Some elements of the Steering Committee draft could potentially entail trade-offs between various water quality parameters and other ecological parameters in different locations both within and outside of the Delta. Further work is needed to understand and address these challenges. The agencies stand ready to work closely with the state authorities and others to understand and address water quality concerns as the BDCP planning processes mature.
- 8. Other Stressors:** As underscored in the Interim Federal Action Plan, the Federal agencies believe that actions to address the most significant other stressors adversely affecting the Bay-Delta are imperative for the long-term sustainability of the ecosystem. While the BDCP currently proposes to address certain other stressors, there is limited ability within the four corners of the BDCP to effect measures that are not within the direct control of the parties to BDCP. The agencies note the considerable uncertainties associated with the other stressor measures currently under consideration, and encourage continued refinement of them over the course of the planning process to enhance their specificity and their ultimate ability to provide discernible benefits to the ecosystem. Further development of measures to address other stressors remains an important work in progress.

Beyond the scope of the BDCP, the Federal agencies are pursuing actions within their authorities to mitigate the impacts of other stressors, including their near-term and long-term integrated science plans, and other actions described further below. The agencies look forward to working with other entities such as the Delta Stewardship Council to ensure that the impacts of other stressors are addressed.

9. **Regulatory Certainty and “Assurances”:** Recognizing the significant investment that would be made by the State and certain water contractors in association with the BDCP, the Federal agencies are committed to providing the maximum level of ESA regulatory assurances consistent with Federal law. Consistent with the dual goals of the BDCP, commensurate assurances of ecosystem restoration goals will also be developed. Such assurances, of course, will need to take into account the many uncertainties associated with the BDCP relating to ecological changes in the Bay-Delta over the anticipated long term of the permit period and the benefits that will result from the BDCP. Given these broad uncertainties, it is likely that the assurances will be closely tied to a comprehensive adaptive range of operational criteria with a specific process for adjusting those criteria in response to changes in species/ecosystem conditions and our overall knowledge of the system over time (adaptive management). Ultimately, the character of the water supply and ecological outcomes projected for the BDCP and the assurances associated with them will serve as a vital component of any final BDCP.

Federal agencies believe that due to the coordinated Federal-State operations of CVP/SWP, it would be beneficial if Federal and state water contractors could be treated equivalently, assuming such equivalence can be provided consistent with all applicable laws. Where appropriate, Federal agencies believe that there should be an agreed upon robust contingency plan outlining steps that either on their own, or in combination with others, can be taken to avoid jeopardy to listed species and potential ESA permit revocation in the event that listed species experience unexpected declines.

Next Steps on the Bay-Delta Conservation Plan

1. **Continue the Ongoing Collaborative Process:** The Federal agencies believe that a collaborative and inclusive approach to planning, one that includes Delta interests as well as the interests of other stakeholders, represents the best approach to success. The initial round of effects analysis should be completed soon to allow the State and any other permittees to finish formulating their plan as soon as possible. The EIS/EIR process should then analyze a reasonable range of alternatives. As stated earlier, the agencies recognize the State’s strong leadership of the current BDCP process, and are hopeful that the incoming State administration will continue promptly and energetically with the effort.

In addition to working with the incoming State administration, Federal agencies anticipate working closely with California’s Delta Stewardship Council to advance a BDCP that fully addresses the issues identified by the Council. The Delta Stewardship Council must adopt and implement a comprehensive management plan for the

Sacramento-San Joaquin Delta by January 1, 2012. The Delta Stewardship Council will review the BDCP to ensure it is consistent with statutory criteria in the Delta Reform Act for inclusion in the Delta Plan.

2. **Include the Rio Vista Collaborative Science Center and Native Fish Restoration Facility in the BDCP:** The Federal agencies believe an important part of the BDCP should be the construction and operation the Rio Vista Collaborative Science Center and Native Fish Restoration Facility as a conservation measure to address other stressors. The Collaborative Science Center will house several of the agencies that are part of the Bay-Delta's Interagency Ecological Program (IEP), a long standing, collaborative effort by FWS, Reclamation, the United States Geological Survey, EPA , NMFS, USACE, DFG, DWR, and the State Water Resources Control Board (SWRCB) to study and monitor the Bay-Delta ecosystem. The IEP's current facilities are inadequate and spread across several sites. The Collaborative Science Center will consolidate IEP offices, laboratories, vessels, and equipment in a single location closer to their study area, promoting cross-agency cooperation and prioritization, and increasing operational efficiency.

The Native Fish Restoration Facility will allow the Federal agencies to use conservation-oriented captive propagation techniques to help restore imperiled native fish populations. The Facility would house imperiled Bay-Delta species and conduct propagation, marking, and reintroduction research.

The Collaborative Science Center and Native Fish Restoration Facility should be a critical component of the BDCP and of Federal agencies' integrated Bay-Delta science initiative. Federal agencies will continue efforts to develop these facilities at the earliest possible time.

3. **Pursue the Federal Near-term Science Initiative:** The Federal agencies will continue to pursue a suite of near-term science initiatives over the course of 2011. Turbidity and sediment studies are designed to improve the understanding of key triggers and decision criteria in the current biological opinions that affect water operations. This may improve our ability to manage turbidity to reduce delta smelt entrainment. A six-year acoustic tagging study is designed to generate significantly improved information on the migratory patterns and pathways of San Joaquin River salmon through the Bay-Delta. Further experimental work on "non-physical" bubble screens to guide migrating fish into safer migration routes and out of more lethal side channels continues. Further, the development of species life cycle models will lead to a better understanding of the management actions that influence different life stages of fish. Some of the permitted near-term studies are expected to produce results within a year of their approval and all are intended to support implementation of the current biological opinions, preparation of an integrated biological opinion, as discussed below, or subsequent adaptive management.
4. **Continue to Develop the EIS/EIR for the BDCP:** The Federal agencies are committed to the timely completion of a robust EIS/EIR for the BDCP. The Federal and State lead agencies have worked collaboratively to describe the alternatives currently under evaluation in the EIS/EIR and will ensure that a full range of alternatives is evaluated to

meet the requirements of NEPA and CEQA. Once the draft BDCP is complete, the agencies anticipate the draft EIS/EIR will be completed in an expeditious fashion subject to available funding by all parties. Based on the current status of BDCP planning, Federal agencies anticipate optimistically that the environmental review process for BDCP could be complete in or around late 2012.

5. **Continue to Develop an Integrated Biological Opinion:** The FWS and NMFS, together, with Reclamation, are working to lay the technical, policy, and regulatory foundation necessary to develop an integrated biological opinion that could be issued jointly by both agencies for the BDCP and continued operation of the CVP. This approach is consistent with the March 2010 National Research Council assessment of the two biological opinions under the ESA which called for better integration across agencies. In addition to the near term science actions, described above, the agencies are also jointly developing analytical tools to help assess future management of the Bay-Delta ecosystem, reduce uncertainty, and foster improved integration. FWS and NMFS are also building regulatory, legal, and policy teams that will work with Reclamation in a multi-agency process to complete the integrated opinion. An integrated biological opinion will be a key component for the long-term management the Bay-Delta, by combining the BDCP and CVP actions into a single, comprehensive analysis that ensures coordination of water operations and restoration activities for all potentially impacted species.

Other Federal Bay-Delta Initiatives

The BDCP is but one part of a comprehensive commitment to addressing California water issues. The Administration is working with the State of California to develop both short-term actions and a long-term strategy for providing a more reliable water supply and ecosystem restoration. In addition to Federal efforts to support development of a science-based and legally defensible BDCP, the Federal Government has made significant investments in addressing California water needs. It is working closely with independent science panels to better understand and address issues associated with the continuing decline of Bay-Delta endangered and threatened species. It has promoted water conservation and efficiency improvements throughout California, expedited and expanded voluntary water transfers in the Central Valley, and dedicated more than \$40 million in 2009 toward immediate drought relief projects. These and other efforts designed to result in improved water supply and restoration of the ecosystem were outlined in the Bay-Delta Interim Federal Action Plan, under the following objectives described below. Collectively, the Administration believes these efforts will help reduce long-term water demands, provide ongoing benefits to species of concern, and offer flexibility in long-term implementation of the BDCP.

1. **Encourage Improved Supply and Use of Bay-Delta Water by Strengthening Federal Water Conservation Efforts**

Federal agencies are working together to maximize conservation and infrastructure development to increase the flexibility and reliability of the Bay-Delta's water supply (Figure 6). Under the Interim Federal Action Plan, Federal agencies have committed to undertake a number of activities in cooperation with the State of California and local governments to increase efficiency and reliability of the Bay-Delta water supply. In addition to ARRA investments in projects such as the Red Bluff Diversion and Fish Passage Facility, Federal agencies have made progress on a number of important efforts to improve water supply and use. These include facilitating water transfers and increasing water conservation and water recycling. Significant progress has been made in the past year and major milestones achieved.

Highlights:

- A groundbreaking for the intertie between the Federal Delta-Mendota Canal and the State's California Aqueduct was held on October 14, 2010. This new pipeline and pumping plant will connect Federal and State water projects, address certain canal conveyance losses, enhance flexibility of water delivery, and allow maintenance and repair to take place on water supply infrastructure without disrupting water deliveries. The intertie is expected to be fully operational in 2012.
- In FY 2010, the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) exceeded its goals for implementing agricultural programs such as the Wetlands Reserve Program and the Agricultural Water Enhancement Program. Through these programs, NRCS works with farmers to improve water supply reliability by supporting activities that provide flood protection, conserve surface and groundwater, and contribute to groundwater recharge.

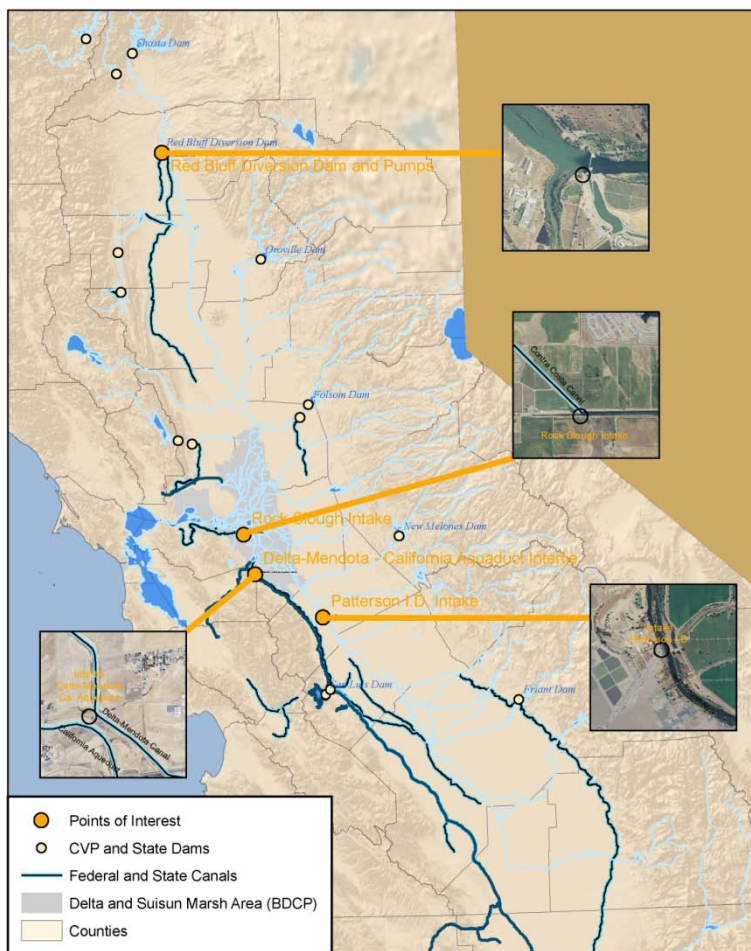


Figure 6 – CVP and BDCP Related Features. Source: Bureau of Reclamation

- Reclamation, NRCS, USACE, and the EPA, in collaboration with State officials and stakeholders, held workshops over the summer, in which they identified a number of priority projects that will increase water supply efficiency and reliability. The chosen priority projects will maximize the benefits of water conservation and infrastructure improvements in areas served by the CVP and SWP, working with the State and local partners to assist those areas most affected by the drought and by pumping restrictions. Projects include: new opportunities to combine Federal and state funding for water infrastructure projects, an energy and water audit program that helps participating water agencies increase energy and water efficiency, opportunities for State, local and tribal water supply reliability projects to receive supplementary funding from the Federal government, a water recycling project that will increase groundwater reliability for southern Los Angeles County, as well as projects that capture stormwater, develop backup water supplies, and other important activities. These projects will strengthen water supply reliability in the Bay-Delta, reducing vulnerability of water users who depend on this water for their lives and livelihoods, and will maximize efficient use of the water supply through conservation and recycling.
 - The NRCS has been developing interagency and NGO partnerships to improve and protect the health of the Sacramento and San Joaquin River headwaters by restoring forest lands and wet meadows which provides enhanced groundwater storage, reduces peak flows, and captures more snow in the critical watersheds supplying both State and Federal water projects and the Delta.
2. **Take a watershed approach to ensuring healthy Bay-Delta ecosystems and improving water quality**

Under the Interim Federal Action Plan, Federal agencies have agreed to address the ecological health of the Bay-Delta. Federal agencies are collaborating to address the range of stressors affecting aquatic species of concern by restoring habitat, constructing hatcheries, preventing fish from being entrained in water diversions by installing fish screens, reducing contaminant levels in Bay-Delta water, and other activities. Each of these activities complement efforts to increase the populations of species of concern by improving water diversions and infrastructure, recognizing that flows alone cannot restore the Delta's ecology.

Highlights:

- Federal agencies have committed to significant habitat restoration as part of the BDCP, and are also conducting major restoration projects outside of the BDCP process to restore the habitat of threatened and endangered aquatic species. The groundbreaking ceremony for the Battle Creek Salmon and Steelhead Restoration Project to restore threatened and endangered aquatic species took place in September 2010. The partnership on the Battle Creek project includes Reclamation, Pacific Gas and Electric, USFWS, NMFS, California's DFG and DWR. The project will provide fish passage for state and federally-listed spring-run Chinook salmon, winter-run Chinook salmon, and steelhead. This project will restore approximately 42 miles of habitat on Battle Creek and an additional 6 miles of habitat on tributaries to Battle Creek while maintaining the continued production of hydroelectric

power. The project is in Shasta and Tehama counties near Manton, California. The construction phase of the project is anticipated to be completed in 2014.

- In an effort to assess the effectiveness of current water quality regulation in the Delta and its tributaries, EPA will soon issue an Advance Notice of Proposed Rulemaking (ANPR) to solicit scientific and policy input on the application of EPA programs to the Delta. The ANPR will focus on water quality impacts to Delta aquatic life from pollutants such as ammonia, selenium, pesticides, emerging contaminants and water quality factors that restrict estuarine habitat and migratory areas (e.g., salinity and temperature).
- FWS is working with DWR and DFG as well as Reclamation to upgrade the current backup refugium for delta smelt. Maintaining a refugial population will aid in the long-term restoration of this endangered fish by ensuring the genetic diversity of delta smelt is not lost should they become extinct in the wild. The current refugium facility is not large enough to maintain the numbers of fish necessary for a refugial population, while continuing its primary mission of producing fish for research. In addition, the current facility is not large enough to address future conservation needs of additional species, nor will it be capable of producing sufficient numbers of fish should supplementation of the wild population or reintroduction become necessary recovery actions. To address these shortcomings, FWS, Reclamation, and DFG are also working together to develop the Native Fish Restoration Facility to provide the capability to address future conservation needs of additional species, such as longfin smelt, splittail, and Sacramento perch, and produce large numbers of fish for supplementation or reintroduction. This facility would be co-located with the Rio Vista Collaborative Science Center as discussed in the second item under Next Steps on BDCP earlier in this document.
- Reclamation entered into cooperative agreements with Contra Costa Water District for the construction of a screened diversion at Rock Slough, and with Patterson Irrigation District for a new screened diversion to replace a previously unscreened diversion. These agreements provide for cost-shared Federal funding consistent with the terms of the Central Valley Project Improvement Act (CVPIA) to address fish entrainment issues at both locations. Construction at Rock Slough and Patterson are currently in progress with facilities projected to be operational before the end of calendar 2011.
- In partnership with the Tehama-Colusa Canal Authority, Reclamation is implementing the Red Bluff Fish Passage Improvement Project, which includes construction of a 2,000 cubic foot per second pumping plant and 1,200-foot flat-plate fish screen near Red Bluff, CA. The project is authorized by the 1992 Central Valley Project Improvement Act and required by the 2009 Biological Opinion for the Central Valley Project. The facility is expected to be completed by May of 2012, and will provide unimpeded fish passage past Red Bluff Diversion Dam while assuring continued water diversion to the Tehama-Colusa and Corning Canals. The Tehama-Colusa Canal Authority is comprised of 17 districts serving 150,000 acres of high value crops.
- ARRA funded projects to diversify wildlife refuge water supplies include a pilot project for the Volta Wildlife Area for approximately \$2 million that is expected to yield up to 2,500 acre-feet of water per year, well enhancements in the Grasslands area that are expected to

yield up to 4,000 acre-feet of water per year, and installation of new wells in the Grasslands area that are expected to yield up to 2,600 acre-feet of water per year. Construction on these projects is scheduled to be completed in summer 2011.

3. **Deliver drought relief services and ensure integrated flood risk management**

Federal agencies are working together to help deliver drought relief services and ensure integrated flood risk management. Together with the State, these agencies will use disaster programs to provide drought relief to farmers and ranchers and to partner with State and local authorities to develop more holistic plans for stabilizing existing flood control infrastructure and manage flood risk.

Highlights:

- In 2010, the NRCS released \$10 million for a special Environmental Quality Incentives Program Drought Initiative in the San Joaquin Valley. This funding allowed agricultural producers to provide temporary coverage to fallowed fields that were experiencing severe wind erosion, to rehabilitate springs for stock water, and to undertake other critically needed conservation measures. Resources for these special drought programs were also made available in 2009.
- USACE is continuing to work with non-Federal sponsors to identify opportunities to reduce flood risk by improving the flood capacity of the system while restoring and protecting floodplain and environmental features of the Central Valley and to identify levee stability needs for potential reconstruction efforts. In addition, the USACE is working with the DWR on the Delta Islands and Levees Feasibility Study to address ecosystem restoration needs, flood risk management problems, and related water resources in the Delta and Suisun Marsh area.

Conclusion

This Status Update is intended to help inform the incoming administration of Governor-elect Brown at this important transitional time of Federal efforts in the California Bay-Delta and to continue the strong and productive partnership the Federal agencies have with the State. This document includes a review and update of the six Federal agencies' progress to date in carrying out the Interim Federal Action Plan, and presents the agencies' top priorities for addressing the long-term needs of California, water conservation and efficiencies, water quality and other stressors, assistance to farmers and other actions going forward. This document is intended to provide an understanding of the Federal view on key issues related to the process of developing the BDCP and an overview of other priority actions in which the agencies are engaged. This Update confirms the Federal government's commitment to advancing the BDCP process to a successful conclusion.

From: Tom Birmingham
Sent: Tuesday, September 30, 2014 4:14 PM
To: 'Watts, John (Feinstein)'
CC: 'Bernhardt, David L.'
Subject: RE: Did you have any further thoughts about the Administration's proposal to

John,

I apologize for the delay in responding to your inquiry, but I have just now finished my meetings today. (It's hell trying to manage a water agency.) I believe that the provisions on 2015 drought operations in the existing proposal are much better than what the administration has proposed, and I would encourage you to maintain those provisions. I don't understand why the administration would object to having the discretion and authority provided by the existing language, other than the agencies like the status quo.

Tom

From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]
Sent: Tuesday, September 30, 2014 1:12 PM
To: 'Tom Birmingham'
Cc: Bernhardt, David L.
Subject: Did you have any further thoughts about the Administration's proposal to

Substitute their 2015 drought plan language, with modifications to include our language on the i/e ratio, for section 303 (and possibly also sections 304 and 305) of our proposal? Can you let me know your thoughts on this today?

Thanks.

From: DCardoza@foley.com
Sent: Friday, October 3, 2014 6:15 AM
To: Dan Nelson; Ara Azhderian; Jason Peltier; Joe Findaro; David Longly Bernhardt
Subject: Fwd: GAO report on Bureau Repayments
Attachments: 665588.pdf; ATT00001.htm

From: Dennis Cardoza <[REDACTED]@[REDACTED] <[mailto:\[REDACTED\]@\[REDACTED\]](mailto:[REDACTED]@[REDACTED])>>
Date: October 3, 2014 at 9:08:49 AM EDT
To: Dennis Cardoza <dcardoza@foley.com<<mailto:dcardoza@foley.com>>>, Tom Birmingham
<tbirmingham@westlandswater.org<<mailto:tbirmingham@westlandswater.org>>>
Subject: GAO report on Bureau Repayments

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September 2014

BUREAU OF RECLAMATION

Availability of Information on Repayment of Water Project Construction Costs Could Be Better Promoted

GAO Highlights

Highlights of [GAO-14-764](#), a report to congressional requesters

Why GAO Did This Study

Since 1902, Reclamation has financed and built water projects to provide water for irrigation and various other uses in 17 western states. The costs to construct the water projects including irrigation as a project purpose—a combined total of more than \$20 billion—were primarily financed by the federal government, but irrigation districts and other water users that receive project water are obligated to repay the government for their allocated share of construction costs. Reclamation typically enters into multiyear contracts with irrigation districts that establish water delivery and repayment of their share of construction costs over time.

GAO was asked to provide information on the status of irrigation repayments. This report examines (1) the extent to which Reclamation collects and reports information on construction costs and the status of repayment and (2) the extent to which irrigation districts can repay early and the implications of early repayment. GAO reviewed laws and policies; fiscal year 2012 construction cost repayment and early repayment data; and interviewed Reclamation officials and nonprobability samples of eight irrigation districts and nine individuals knowledgeable about water projects.

What GAO Recommends

GAO recommends that Reclamation better promote to the public that information on water projects' construction costs and repayment status is available. The Department of the Interior concurred with the recommendation.

View [GAO-14-764](#). For more information, contact Steve D. Morris at (202) 512-3841 or smorris@gao.gov.

September 2014

BUREAU OF RECLAMATION

Availability of Information on Repayment of Water Project Construction Costs Could Be Better Promoted

What GAO Found

The Department of the Interior's Bureau of Reclamation collects information on water project construction costs and the status of repayment by irrigation districts—entities that have entered into contracts with the agency to receive project water for irrigation purposes—but has not publicly reported repayment information since the 1980s. Reclamation's data on water project construction cost repayments indicate that, of the \$6.4 billion in costs allocated to irrigation as of the end of fiscal year 2012, \$1.6 billion remains outstanding. The remaining \$4.8 billion has been repaid by irrigation districts or through other revenue sources or will be provided in financial assistance to the districts. Reclamation's policy is to make the statements it prepares annually on repayment available to the public upon request, but the agency does not make it readily known to the public that it prepares these statements or that they are available. GAO interviewed individuals knowledgeable of Reclamation water projects who indicated that this information would be useful for their work, such as in considering funding arrangements for the expansion of water projects; some individuals were not aware that Reclamation prepares repayment statements annually, or that the agency would make them available upon request. By more widely disseminating information to the public that construction cost and repayment data are available, Reclamation may increase interested parties' opportunities to obtain cost and repayment information. This, in turn, could further enable Congress, water users, and the public to assess past funding arrangements and enhance their ability to make informed decisions for funding potential new work, such as to expand water storage capacity.

The authority for irrigation districts—or for landholders who own or lease land for agricultural purposes within those districts—to repay their allocated share of construction costs early is limited to a small number of districts, and its use has various financial and other implications. Early repayment authority allows irrigation districts or landholders to repay their total outstanding repayment obligations in advance of the date specified in the districts' contracts. As of December 2013, 87 irrigation districts—representing about 15 percent of all districts with contracts—had authority for the district or its landholders to repay early. Of those authorized, 69 irrigation districts either repaid early, or had some landholders who repaid early, with those payments totaling more than \$238.9 million. GAO found that early repayment's effect on the financial return to the federal government largely depends on whether a discount may be authorized, such as calculating the present value of the outstanding repayment obligation to determine the amount to be repaid early, and the size of that discount. If no discounts are authorized, any early repayments that occur would be worth more to the government because the repayments do not bear interest. In addition, early repayment accelerates the elimination of certain restrictions and requirements for landholders that are in place until their repayment obligation is fulfilled. For example, once landholders have fully repaid their construction cost obligations, they are no longer subject to acreage limits on the amount of land they can own or lease for agricultural purposes and irrigate with project water and may be able to receive project water on additional land.

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September 8, 2014

The Honorable Peter DeFazio
Ranking Member
Committee on Natural Resources
House of Representatives

The Honorable Grace F. Napolitano
Ranking Member
Subcommittee on Water and Power
Committee on Natural Resources
House of Representatives

The Honorable Edward J. Markey
United States Senate

The Honorable Jared Huffman
House of Representatives

Since 1902, the Department of the Interior's Bureau of Reclamation has financed and built more than 180 water projects—comprising dams, reservoirs, canals, and other features to store and deliver water—to provide water to various users in 17 western states. Initially, water projects were intended to make previously arid and semiarid land productive and were built almost solely for irrigation. Over the years, water projects grew in size and purpose, often providing water for irrigation, as well as hydroelectric power generation, municipal and industrial water supplies, recreation, flood control, and fish and wildlife enhancement, among other uses. Today, Reclamation's water projects vary substantially in size, ranging from a 5,000-acre water project in southeastern Idaho consisting of a single canal, to the roughly 500-mile long Central Valley Project in California consisting of 20 dams and reservoirs, and hundreds of miles of canals. Collectively, Reclamation's projects provide water for about 10 million acres of farmland and nearly 31 million people. The costs to construct the water projects including irrigation as a project purpose—a combined total of more than \$20 billion—were primarily financed by the federal government, but irrigation

districts,¹ power users,² and municipal and industrial users (collectively called water users) that receive project water are obligated to repay the federal government for their allocated share of construction costs. Water users are also obligated to pay the government for ongoing operation and maintenance performed by Reclamation.³

Reclamation typically enters into multiyear contracts with water users that are agreements between the federal government and the user on the delivery of water, the repayment of construction costs, and other terms and conditions. Repayment requirements vary depending on the type of water use and contract. For example, irrigation districts with repayment contracts are generally required to repay their allocated construction costs over a period of up to 40 years, and they do not pay interest on their allocated construction costs. In contrast, power and municipal and industrial users are required to repay their allocated share of construction costs over a period of up to 40 years as well, but they are also required to pay interest that accrues on those costs over time.

As congressional authorization for new water projects slowed by the 1970s, Reclamation shifted its focus from constructing to managing water projects, including providing maintenance, repair, and modernization of existing infrastructure. Going forward, however, as population, agricultural production, and development in the West are projected to continue to increase, Reclamation may be called upon to expand existing capacity for water storage or delivery or to support additional conservation measures for fish and wildlife enhancement. For instance, severe drought conditions in California in 2014 have led some Members of Congress to call for

¹In this report, we use the term “irrigation districts” to mean entities established under state law that have entered into contracts with Reclamation to receive project water for irrigation purposes, which generally encompasses water used to irrigate land primarily for the production of commercial agricultural crops or livestock.

²In this report, the term “power users” refers to users of Reclamation water project power generation. Such users include industrial entities, municipalities, Native American entities, military installations, water districts, power companies, and irrigation districts, among others. Since 1977, power generated by Reclamation water projects that is surplus to irrigation needs is marketed by the Department of Energy under rates set by that agency.

³Operation and maintenance payments are not included in the scope of this review. We previously reported on Reclamation water project operation and maintenance activities and costs; see GAO, *Bureau of Reclamation: Information on Operations and Maintenance Activities and Costs at Multipurpose Water Projects*, [GAO/AIMD-00-127](#) (Washington, D.C.: May 31, 2000).

increasing the water storage capabilities of water projects located in the state and have highlighted the importance of effective water management across the West. There has also been congressional interest in broadly authorizing the early repayment of construction costs—that is, allowing irrigation districts to pay off their allocated construction costs before the due date specified in their contracts.⁴ Unless expressly authorized in their contracts or by statute, irrigation districts are not authorized to repay their construction cost obligations early.

In this context, you asked us to provide information on the status of irrigation districts' repayments of their allocated water project construction costs. This report examines (1) the extent to which Reclamation collects and reports information on water project construction costs and the status of repayment by irrigation districts and (2) the extent to which irrigation districts can repay their allocated water project construction costs early and the implications of early repayment.

To conduct our work, we reviewed relevant laws, Reclamation policies and directives, and other Reclamation documents on water project construction cost allocation, repayment, and early repayment. We also reviewed our July 1996 report on the status of construction cost allocations and repayments at that time.⁵ To determine the extent to which Reclamation collects and reports information on water project construction costs and the status of repayment by irrigation districts, we reviewed data from Reclamation's Statements of Project Construction Cost and Repayment for fiscal year 2012, the most current data available at the time of our review.⁶ To examine the extent to which irrigation

⁴In June 2012, and again in February 2014, the Natural Resources Committee of the U.S. House of Representatives held hearings on draft legislation that would authorize irrigation districts and other water users to repay their allocated construction costs before the repayment due date specified in their contracts. The Accelerated Revenue, Repayment and Surface Water Storage Enhancement Act was introduced in the U.S. House of Representatives. H.R. 3981, 113th Cong. (2014).

⁵GAO, *Bureau of Reclamation: Information on Allocation and Repayment of Costs of Constructing Water Projects*, [GAO/RCED-96-109](#) (Washington, D.C.: July 3, 1996).

⁶Reclamation prepares Statements of Project Construction Cost and Repayment annually for each water project that has construction costs allocated to one or more water users with repayments outstanding. The statements include data on the total construction costs for the water project; the construction costs allocated to each project purpose, including irrigation; repayment information for costs allocated to each project purpose, including the amount irrigation districts have repaid as of the end of the fiscal year; and any financial assistance granted to irrigation districts.

districts can repay water project construction costs early and the implications of early repayment, we collected data from Reclamation on irrigation districts that have authority to repay early, districts that have exercised such authority, and the amounts of early repayments through December 2013. To assess the reliability of Reclamation repayment and early repayment data, we took steps such as identifying the sources of data included in the Statements of Project Construction Cost and Repayment, which are generally tied to audited accounting records, and the agency's review process. We found the data to be sufficiently reliable for our purposes. In addition, for both objectives, we conducted interviews with knowledgeable Reclamation officials at the agency's central office in Denver, Colorado, and all five regional offices (Great Plains, Lower Colorado, Mid-Pacific, Pacific Northwest, and Upper Colorado) about issues related to the status of repayment and early repayment. We also interviewed officials from a nonprobability sample of eight irrigation districts and two landholders—who own or lease land for agricultural purposes—from five water projects located in California, Nebraska, Oregon, and Wyoming to collect information on the repayment of construction costs and related issues. We selected these irrigation districts and landholders using criteria such as the type of contracts the districts held with Reclamation, the district's status of repayment, and whether or not the districts had early repayment authority.⁷ We also interviewed a nonprobability sample of nine individuals knowledgeable about Reclamation water projects and the status of repayments, early repayment authority, or both, including staff from the Congressional Research Service, Congressional Budget Office, and attorneys who have represented irrigation districts or environmental organizations. Appendix I presents a more detailed description of our objectives, scope, and methodology.

We conducted this performance audit from June 2013 to September 2014 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

⁷Because we selected a nonprobability sample, the information obtained from these interviews is not generalizable to other irrigation districts or landholders, but it provides illustrative information.

Background

Reclamation has carried out its mission to manage, develop, and protect water and related resources in 17 western states since 1902. The agency has led or provided assistance in constructing most of the large dams and water diversion structures in the West for the purpose of developing water supplies for irrigation, as well as for other purposes, including hydroelectric power generation, municipal and industrial water supplies, recreation, flood control, and fish and wildlife enhancement. Reclamation is organized into five regions, with technical and policy support provided by its central office in Denver. Each regional office oversees the water projects located within its regional boundaries (see fig. 1).

Figure 1: Bureau of Reclamation Regional Boundaries



Sources: Bureau of Reclamation; Map Resources (map). | GAO-14-764

The federal statutes authorizing individual water projects and the statutes generally applicable to all water projects—known collectively as reclamation law—govern Reclamation’s water projects. Reclamation law determines how the costs of constructing water projects are allocated and how repayment responsibilities are assigned among the projects’ users. Cost allocation is the process of assigning an equitable share of the total cost to each use in a multipurpose project. Under reclamation law, Reclamation allocates a share of the project’s total construction costs to each of the authorized project purposes based on the proportion of benefits each purpose receives from the project, and the costs allocated to each purpose are deemed to be reimbursable or nonreimbursable. Reimbursable costs are those that are to be repaid by certain water users, including irrigation districts, power, and municipal and industrial water suppliers. Nonreimbursable costs are those that are not repaid by water users and are instead generally borne by the federal government because certain project purposes are viewed by Congress as being national in scope, such as costs allocated to flood control and navigation, fish and wildlife enhancement, and recreation. At the time each water project is authorized and designed, Reclamation estimates the total construction costs and allocates these costs among the project uses. Once project construction is completed, and the actual construction costs are determined, Reclamation performs a final construction cost allocation.

The cost allocation serves as a basis for the repayment terms in water users’ contracts. The amount of reimbursable costs that water users are responsible for repaying is based on the type of project purpose (see fig. 2). Power and municipal and industrial users are responsible for repaying their allocated share of the construction costs, plus the interest that accrues on those costs during construction and the repayment period. For irrigation districts, however, reclamation law does not require the districts to pay interest on the construction costs allocated to irrigation, resulting in federally subsidized financing for irrigation districts responsible for repayment. In addition, irrigation districts may receive the following two types of financial assistance in repaying their allocated construction costs:

- **Irrigation assistance.** The amount of construction costs allocated to irrigation that the Secretary of the Interior determines to be above the irrigation districts’ ability to pay for a given project is repaid from other revenue sources, where available. These other revenues are primarily earned from the sale of power generated by the project (or other related projects), or from the sale of municipal and industrial water, among other revenue sources. Ability-to-pay determinations are based on Reclamation’s financial analysis of a given geographic area,

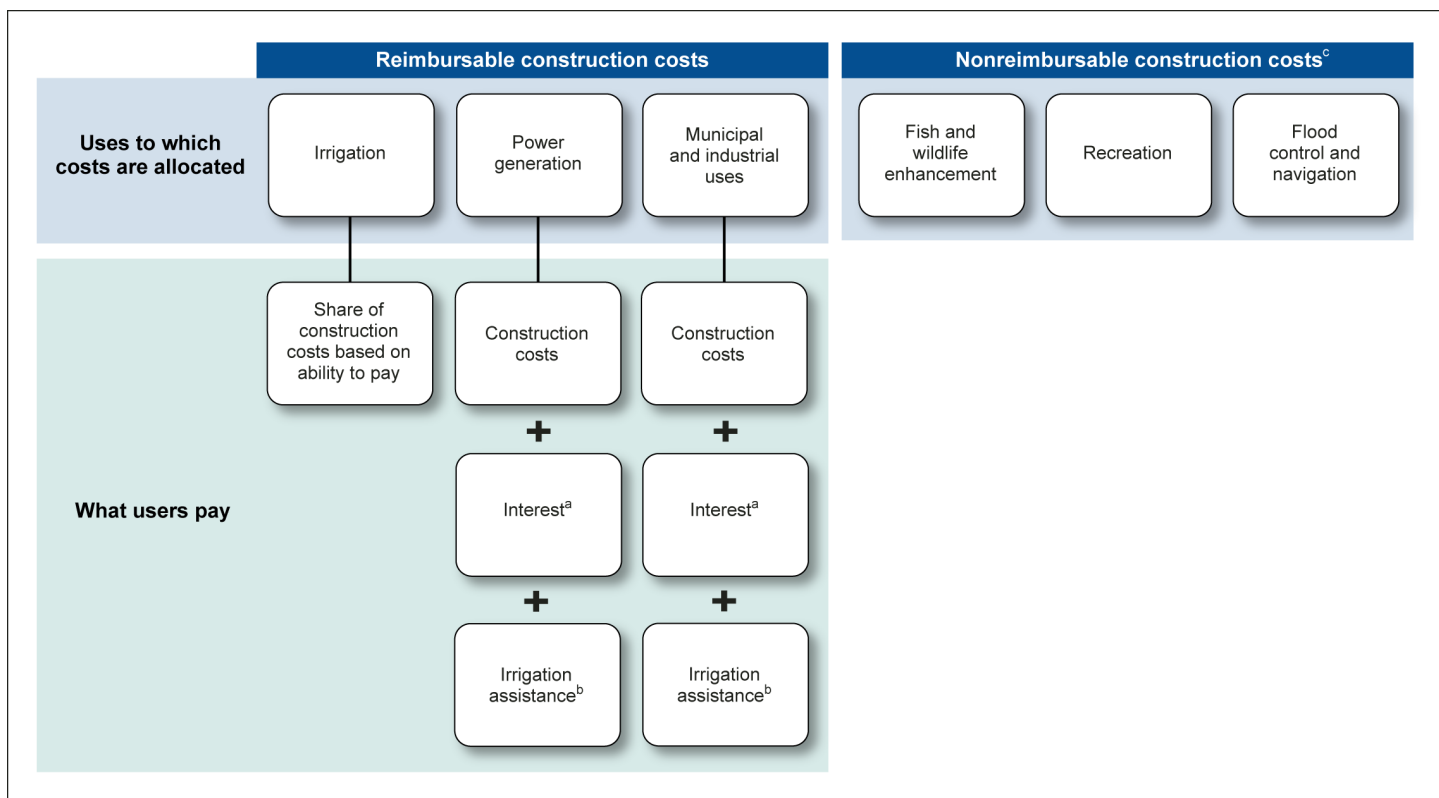
and determinations generally occur before construction begins on a project.⁸

- **Credits.** Credits can relieve part or all of irrigation districts' repayment obligations. Types of credits include congressionally authorized repayment reductions, or "charge-offs," and construction expenses determined to be nonreimbursable. Charge-offs are credits that are often enacted through legislation in response to special circumstances, such as a determination that the land is unproductive, or the settlement of Indian water rights claims.⁹

⁸Reclamation's ability-to-pay analyses include estimates of the difference in farmers' income with and without an irrigation project and involve projections of farm size, type and quantity of crops, and crop prices. The irrigation districts' ability to pay is measured in terms of the farm income available to meet the annual cost of water after all crop production, overhead, and family living expenses are recognized. In general, once the ability to pay has been determined, the irrigation districts' repayment obligation is fixed for the entire repayment term based on this determination, regardless of changes in the irrigators' profitability, unless the irrigation districts request a revision. However, Reclamation officials stated that the agency's policy is to include a provision in all new or amended repayment or water service contracts requiring that ability-to-pay determinations be reviewed every 5 years.

⁹The Omnibus Adjustment Act of 1926, for example, provided repayment relief to irrigation districts within the service areas of 21 projects by forgiving about 13 percent of all the construction costs incurred up to that time—about \$17.3 million—because the Secretary of the Interior determined that the land being irrigated was nonproductive, and the act provided for a reduction of the irrigation district's repayment obligation.

Figure 2: Typical Construction Cost Repayment Obligations for Bureau of Reclamation Water Project Uses



Source: GAO analysis of Bureau of Reclamation information. | GAO-14-764

^aThis includes interest during construction and the repayment period.

^bIrrigation assistance may be provided to an irrigation district in instances when the Secretary of the Interior determines there is an amount of construction costs allocated to irrigation above the district's ability to pay for a given project, and there are revenue sources available. The amount determined to be above the irrigation district's ability to pay is repaid from other revenues, which are primarily earned from the sale of power generated by the project (or other related projects) or from the sale of municipal and industrial water, among other revenue sources. These costs do not accrue interest and are generally paid with power revenues at the end of the repayment period.

^cUnder reclamation law, nonreimbursable costs are those that are generally borne by the federal government because the project purposes are viewed as being national in scope.

To establish an agreement between the federal government and irrigation districts on the delivery of water from a project and to collect payments, Reclamation generally enters into one of the following two types of contracts with irrigation districts:

- **Repayment contracts:** Section 9(d) of the Reclamation Project Act of 1939 authorizes permanent contracts for water delivery with repayment of construction costs allocated to irrigation to be paid in

fixed dollar amounts in annual or other regular increments, over a period of up to 40 years, by the irrigation district to Reclamation.¹⁰

- **Water service contracts:** Section 9(e) of the Reclamation Project Act of 1939 authorizes contracts to furnish water for irrigation purposes for up to 40-year periods. Reclamation generally enters into water service contracts with irrigation districts when construction of the water project has not been completed, final construction costs are uncertain, or the irrigation district does not want a permanent contract, among other reasons. By law, Reclamation must charge rates for water delivered under water service contracts that are at least sufficient to cover an appropriate share of fixed charges the Secretary of the Interior deems proper, taking into consideration the construction costs allocated to irrigation, as well as an appropriate share of annual operation and maintenance costs.¹¹ A water service contract can contain a provision providing for its renewal—through negotiations between Reclamation and the irrigation district—once the contract’s term ends, or the contract may contain a provision allowing for its conversion to a repayment contract.¹²

¹⁰Originally, the Reclamation Act of 1902 set the repayment period at 10 years. However, because of economic difficulties faced by the irrigation districts, laws were enacted to extend this period to 20 years in 1914, and then to 40 years in 1926. Repayment periods exceeding 40 years have also been authorized by statute for specific projects. Irrigation districts with repayment contracts generally do not begin repaying their allocated share of construction costs until after a development period of up to 10 years from the time when a district first receives water from the project. The Reclamation Project Act of 1939 authorized this development period to provide irrigation districts with time to develop arid lands for farming and achieve the financial position necessary to meet the costs before beginning repayment of their share of the project’s construction costs.

¹¹Under water service contracts, Reclamation’s rates charged for water delivered to irrigation districts are to cover an “appropriate share” of construction costs, as well as annual operation and maintenance costs, rather than the total construction costs allocated to irrigation, as under repayment contracts. According to court decisions, Reclamation has discretion in determining what constitutes an appropriate share of construction costs. See, for example, U.S. Department of the Interior, Office of Inspector General, *Central Valley Project, California: Repayment Status and Payoff*, WR-EV-BOR-0003-2012 (Washington, D.C.: March 2013), for a discussion on the share of construction costs charged to the Central Valley Project under its water service contracts.

¹²According to a Reclamation handbook, water service contracts with conversion provisions may be converted to repayment contracts if certain conditions are met.

Reclamation Collects Information on Water Project Construction Costs and the Status of Repayment by Irrigation Districts but Could Better Promote the Public Availability of This Information

Depending on the size of the water project, which varies substantially across projects, Reclamation may have contracts with a number of irrigation districts within that project's service area.¹³ Irrigation districts then enter into separate agreements with landholders to provide project water.¹⁴ For example, for water projects servicing a relatively small geographic area, Reclamation may have only one or two contracts with irrigation districts for that water project, which provides water to a small number of landholders. On the other hand, for water projects covering a larger area, Reclamation may have contracts with multiple irrigation districts servicing hundreds of landholders within a project.

Reclamation collects data on water project construction costs and the status of repayment by irrigation districts, but it has not publicly reported this information since the 1980s. Reclamation's regional offices collect repayment data annually for each water project with an outstanding construction cost repayment obligation and then compile them in Statements of Project Construction Cost and Repayment (repayment statements). These repayment statements indicate that \$1.6 billion of the \$6.4 billion in costs allocated to irrigation was outstanding, as of the end of fiscal year 2012. It is Reclamation policy to make the repayment statements available to the public upon request, but it could better promote to the public that it prepares repayment statements annually and that these statements are available.

¹³In some instances, Reclamation may enter into contracts directly with landholders for water service. In this report, the term "landholders" refers to individuals and legal entities such as corporations, partnerships, and tax-exempt organizations that own or lease land for agricultural purposes and receive Reclamation project water.

¹⁴To fulfill their obligations to Reclamation under repayment or water service contracts, irrigation districts typically collect annual payments from landholders who irrigate with project water within the districts' boundaries, and the districts then each generally submit one collective annual payment to Reclamation.

Reclamation's Data Indicate an Outstanding Repayment Obligation of \$1.6 Billion Allocated to Irrigation

Reclamation's data on water project construction cost repayments indicate that, of the \$6.4 billion in costs allocated to irrigation as of the end of fiscal year 2012, \$1.6 billion remains outstanding. Every fiscal year, Reclamation's five regional offices collect repayment data and compile them in repayment statements for each water project that has construction costs with repayments outstanding.¹⁵ These repayment statements include data on the total construction costs for the water project; the construction costs allocated to each project purpose, including irrigation; repayment information for costs allocated to each project purpose, including the amount irrigation districts have repaid as of the end of the fiscal year; and any financial assistance granted to irrigation districts.

Reclamation's repayment statements and other documents show that, of 130 water projects that provide water to irrigators, 54 projects have irrigation districts that have fulfilled their construction cost repayment obligations (see app. II),¹⁶ and 76 projects have outstanding repayment obligations from irrigation districts, as of the end of fiscal year 2012 (see app. III).¹⁷ Reclamation's repayment statements for the 76 projects show

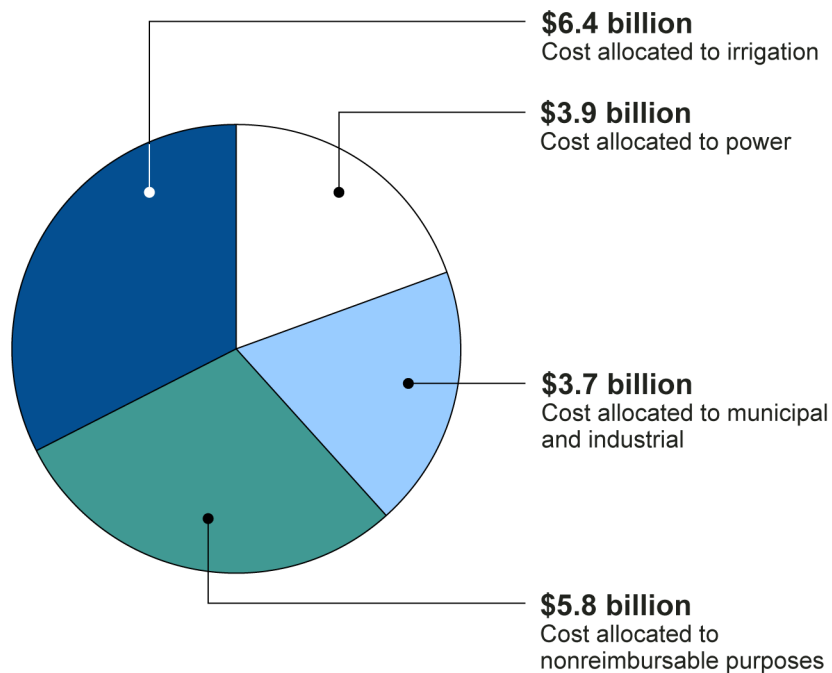
¹⁵Reclamation policy calls for repayment statements to be prepared annually for all water projects with construction cost repayments outstanding. This policy does not apply to water projects where all water users, including irrigation districts, have repaid their construction cost allocations.

¹⁶Reclamation prepared repayment statements for 43 of these 54 projects in fiscal year 2012, which indicate that the total construction cost for these projects was more than \$963.3 million, of which at least \$350.5 million was allocated to irrigation. Reclamation did not prepare repayment statements for the other 11 projects or otherwise have construction cost and repayment information readily available. Per Reclamation policy, it is optional to prepare repayment statements for water projects where all water users, including irrigation districts, have repaid their construction cost allocations.

¹⁷These project numbers do not include the Klamath project in the Mid-Pacific region, which also has an outstanding repayment obligation by irrigation districts, because Reclamation has not prepared a final repayment statement for this project since fiscal year 2001. According to Reclamation officials, the repayment statement has not been finalized because they are in the process of crediting revenues from leasing land, among other things. In addition, another 31 water projects initially had construction costs allocated to irrigation, but ultimately no costs were repaid by irrigation districts pursuant to contracts with Reclamation, according to Reclamation's repayment statements, and therefore these projects are not included in our analysis.

that the total construction cost for these projects was more than \$19.7 billion,¹⁸ of which \$6.4 billion was allocated to irrigation (see fig. 3).

Figure 3: Construction Cost Allocation Amounts for 76 Reclamation Water Projects with Ongoing Repayments by Irrigation Districts, as of the End of Fiscal Year 2012



Source: GAO analysis of Bureau of Reclamation data. | GAO-14-764

Note: The sum of these numbers exceeds the actual total because of rounding. In addition, this figure does not include construction cost allocation amounts for the Klamath project in the Mid-Pacific region, as Reclamation has not prepared a final repayment statement for this project since fiscal year 2001 because it is in the process of crediting revenues from leasing land, among other things, according to Reclamation officials. According to a draft repayment statement prepared for the Klamath project for fiscal year 2010, the total cost of the project was approximately \$121.2 million, of which \$101.2 million in costs were allocated to irrigation.

According to Reclamation's repayment statements, as of the end of fiscal year 2012, of the \$6.4 billion in construction costs allocated to irrigation,

¹⁸The more than \$19.7 billion in construction costs includes costs that are included in Reclamation's repayment analysis or resulting repayment obligations of water users in its repayment statements, but technically may not be part of the construction cost of the project. For example, Reclamation considers deficit-funded operation and maintenance costs as a part of construction costs. When this report refers to construction costs, we are including these other costs.

the outstanding repayment obligations totaled \$1.6 billion—or 25 percent—after accounting for nearly \$4.8 billion in repayments made by irrigation districts, other repayments received, and financial assistance to irrigation (see table 1). Outstanding repayment obligations ranged across Reclamation’s regions, from approximately \$91.7 million in the Upper Colorado region to more than \$1.0 billion in the Mid-Pacific region (accounting for 64 percent of the total outstanding construction costs allocated to irrigation).¹⁹

Table 1: Construction Costs Allocated to Irrigation and the Status of Their Repayment for 76 Reclamation Water Projects with Ongoing Repayments by Irrigation Districts, as of the End of Fiscal Year 2012

Dollars in thousands

Bureau of Reclamation region	Construction costs allocated to irrigation	Repayments received through contracts with irrigation districts	Other repayments received ^a	Financial assistance to irrigation ^b	Outstanding repayment obligations
Great Plains	\$1,030,054	\$155,250	\$32,120	\$696,553	\$146,715
Lower Colorado ^c	1,155,069	60,477	42,759	848,876	202,957
Mid-Pacific ^d	1,983,386	788,272	93,510	68,298	1,033,306
Pacific Northwest	1,163,083	253,961	125,667	654,090	129,364
Upper Colorado	1,070,893	95,372	57,754	826,613	91,666
Total^e	\$6,402,485	\$1,353,332	\$351,812	\$3,094,431	\$1,604,008

Source: GAO analysis of Bureau of Reclamation data. | GAO-14-764

^aOther repayments received include payments received from sources other than repayment from irrigation districts pursuant to contracts with Reclamation, such as miscellaneous water sales and land-use leases.

^bFinancial assistance includes irrigation assistance and credits. Irrigation assistance may be provided when the Secretary of the Interior determines that irrigation districts are unable to pay the full amount of construction costs allocated to irrigation, and responsibility for those costs is then repaid from other revenue sources, such as power, where available. Credits relieve water users from a portion of their allocated repayment obligations. Types of credits include congressionally authorized repayment reductions, or “charge-offs,” and construction expenses determined to be nonreimbursable.

^cThe Lower Colorado region has one project, the Central Arizona Project, with an outstanding irrigation repayment obligation as of the end of fiscal year 2012. The Arizona Water Settlements Act, the Arizona Water Settlement Agreement, which the act ratified, and a stipulated judgment that ended multiyear litigation fixed the allocation of the project’s water and repayment obligations without regard to specific water uses such as irrigation, which is the typical practice. The amounts reflected in the Central Arizona Project Statement of Project Construction Cost and Repayment for specific project purposes are inferred based on assumptions made by Reclamation officials. See Arizona Water Settlements Act, Pub. L. No. 108-451, tit. I, 118 Stat. 3478 (2004), the Arizona Water Settlement

¹⁹This percentage was calculated based on the actual (not rounded) numbers, as shown in table 1.

Agreement, and *Cent. Ariz. Water Conservation Dist. v. United States*, No. CIV 95-625, No. CIV 95-1720.

^dAmounts presented do not include construction cost allocation amounts for the Klamath project in the Mid-Pacific region, as Reclamation has not prepared a final repayment statement for this project since fiscal year 2001 because it is in the process of crediting revenues from leasing land, among other things, according to Reclamation officials. According to a draft repayment statement prepared for the Klamath project for fiscal year 2010, \$101.2 million in costs were allocated to irrigation, \$9.0 million was repaid by irrigation districts, \$46.2 million was repaid from other sources, \$33.1 million was provided in financial assistance, and the outstanding repayment obligation was \$12.8 million.

^eNumbers may not sum to totals because of rounding. Also, the sum of repayments received, financial assistance, and outstanding repayment obligations may add up to slightly more than the construction costs allocated to irrigation because some projects expect an excess of repayment over cost, as of the end of fiscal year 2012.

Reclamation's repayment statements as of the end of fiscal year 2012 further show that, of the \$1.6 billion outstanding repayment obligation for irrigation, irrigation districts are expected to repay approximately \$1.1 billion through repayment or water service contracts. Of the remaining \$490.4 million, approximately \$287.4 million is expected to be recovered through other revenue sources, such as the sale of surplus project water for irrigation, and roughly \$203.0 million is being repaid, pursuant to federal law, a settlement agreement, and stipulated judgment, by a municipal corporation that operates and maintains the Central Arizona Project.²⁰ Irrigation districts have repaid nearly \$1.4 billion of their allocated costs primarily through repayment or water service contracts as of the end of fiscal year 2012 and, according to Reclamation officials, irrigation districts are generally current in their repayments.²¹ According to Reclamation officials, across the 76 water projects with outstanding repayment obligations, Reclamation holds 72 repayment contracts for irrigation and 304 water service contracts for irrigation. We found that, across Reclamation's regions, the number of water projects with outstanding repayment obligations as of the end of fiscal year 2012 and the types of contracts vary, as described in table 2.

²⁰The United States had entered into repayment contracts with irrigation districts for the repayment of Central Arizona Project irrigation distribution system construction costs. However, under the Central Arizona Project Settlement Act of 2004 and the Arizona Water Settlement Agreement, irrigation districts voluntarily relinquished Central Arizona Project water to which they were entitled by the terms of their contracts, among other things.

²¹The nearly \$1.4 billion includes payments made pursuant to repayment and water service contracts, as well as some repayments made pursuant to rehabilitation and betterment contracts. Rehabilitation and betterment contracts are for repaying costs of maintenance for the projects, including replacement of some irrigation system infrastructure, and these costs are included in Reclamation's repayment statements.

Table 2: Bureau of Reclamation Irrigation-Related Projects and Contract Information

Bureau of Reclamation region	Total irrigation-related projects	Irrigation-related projects with outstanding repayment obligations	Repayment contracts	Water service contracts
Great Plains	39	25	12	81 ^a
Lower Colorado	7	1	0 ^b	0
Mid-Pacific	10	6	1	218 ^c
Pacific Northwest	33	18	34 ^d	5
Upper Colorado	41	26	25	0
Total	130	76	72	304

Source: Bureau of Reclamation. | GAO-14-764

Note: The information on projects is as of the end of fiscal year 2012, and the information on contracts is as of November 2013 for the Great Plains region and as of July 2014 for the other regions.

^aThis number includes 65 water service contracts with landholders.

^bOne of the seven Lower Colorado region water projects that includes irrigation—the Central Arizona Project—has ongoing repayment of construction costs allocated to irrigation, which are being repaid, pursuant to federal law, a settlement agreement, and stipulated judgment, by a municipal corporation that operates and maintains the Central Arizona Project. The United States had entered into repayment contracts with irrigation districts for the repayment of Central Arizona Project irrigation distribution system construction costs. Under the Central Arizona Project Settlement Act of 2004 and the Arizona Water Settlement Agreement, however, irrigation districts that voluntarily relinquished Central Arizona Project water to which they were entitled by the terms of their contracts received relief from their repayment obligations, among other things.

^cSix of these contracts are San Joaquin River Settlement water service contracts with landholders. In addition, 139 of these contracts (119 of which are contracts with landholders) are Sacramento River Settlement contracts, which according to officials from the Mid-Pacific regional office, are similar to water service contracts in that they repay the same rate set for water service contracts for the Central Valley Project.

^dOf these 34 repayment contracts, 5 are with landholders.

Reclamation Could Better Promote That Information on Water Project Construction Costs and Repayments Is Publicly Available

Reclamation has not publicly reported the information it collects on water project construction costs and repayment since the 1980s, and we found that Reclamation does not make it readily known to the public that it prepares repayment statements annually or that they are available.²² Reclamation officials said that the purpose of the repayment statements is generally for internal management use, such as when the agency is preparing for contract negotiations, or to provide information to certain

²²Reclamation publicly reported information on projects' status of repayment in *Repayment of Reclamation Projects*, which was last published in 1972, and in *Summary Statistics, Volume II, Finances and Physical Features*, last published in 1984.

power users on the amounts of irrigation assistance power may be responsible for paying. Reclamation officials told us they had considered publishing the repayment statements on the agency's website in the mid-2000s as part of an internal management review, but they decided not to do so.²³ Instead, in 2007, Reclamation developed an internal policy document on the preparation of repayment statements that states that such statements will be provided to any interested party upon request. This policy document is posted on the section of the agency's website that contains program and administrative policies that apply to Reclamation's management of its water projects. Information on the availability of the repayment statements is not otherwise posted online or made public.

We interviewed staff from legislative branch agencies and several other individuals knowledgeable about Reclamation water projects who indicated that public availability to the information contained in the repayment statements would be helpful. Some individuals we interviewed were not aware that Reclamation prepares repayment statements annually, or that the agency would make them available upon request. Several individuals we interviewed indicated that making the repayment statements directly accessible on the agency's website would be helpful and, in some cases, better inform their work. For example, a staff member from the Congressional Research Service said that to be able to respond to congressional committee requests in a timely manner, it would be helpful to have repayment information on the agency's website, similar to information posted online by Reclamation's Mid-Pacific regional office on its water rates (which are based in part on construction cost allocation and repayment information) for the Central Valley Project. In addition, some individuals noted that, as Reclamation considers modifying or expanding existing water storage capacity or delivery, Congress and others may want to assess information on how costs were allocated and how funding and repayment arrangements were established in the past to inform potential future funding arrangements. For instance, an environmental consultant told us that having repayment information

²³Reclamation officials explained that the information contained in the repayment statements may not be easily understood by the public, and given the unique nature and authorizing laws for each water project, some of the cost or repayment information could be taken out of context. Reclamation officials also stated that they had encountered resistance from some irrigation districts due to concerns that other water users and the public would be able to see the status of their repayment, amounts of irrigation assistance, and other financial information in the repayment statements.

readily accessible for water projects developed in the past would help inform decisions on future funding arrangements and other policy considerations for federal, state, and other parties considering the expansion of a water project in the Pacific Northwest. A senior Reclamation official we interviewed agreed that increasing public awareness that cost allocation and repayment information is available upon request could better position the public to obtain information that could help inform their decision making on related water project issues. In addition, the official stated that there may be additional opportunities to make the public aware of its policy beyond posting the information on the policy section of its website.

According to the Office of Management and Budget's open government directive, the federal government should publish information online about what the government is doing to promote transparency, accountability, and informed participation by the public, and federal agencies should proactively use modern technology to disseminate useful information.²⁴ By further disseminating information to the public that cost allocation and repayment data are available through the repayment statements, Reclamation would promote transparency and potentially increase informed participation by the public.

Early Repayment Authority Is Limited, and Its Use Has Financial and Other Implications

The authority for irrigation districts, or for landholders within those districts, to repay their allocated construction costs early is limited to a small number of districts across Reclamation's water projects. Based on our analysis, early repayment affects the financial return to the federal government, and it accelerates the elimination of certain restrictions and requirements for landholders that are in place until their repayment obligations are fulfilled, among other things. Reclamation and irrigation district officials told us that early repayment may not appeal to many districts or landholders, but some districts or landholders may be incentivized to seek and exercise the authority to repay early, depending on their particular circumstances.

²⁴Office of Management and Budget, *Open Government Directive*, M-10-06 (Washington, D.C.: Dec. 8, 2009). It defined government information as any communication or representation of knowledge such as facts, data, or opinions presented in any medium or format; see OMB Circular A-130, *Management of Federal Information Resources* (Washington, D.C.: Nov. 28, 2000).

Early Repayment Authority Is Limited to a Small Number of Irrigation Districts

The authority for irrigation districts, or for landholders within those districts, to repay their allocated water project construction costs early—that is, repay outstanding repayment obligations, either through lump-sum or accelerated payments, in advance of the date specified in the districts’ contracts—is limited. Unless expressly authorized in their contracts or by statute, irrigation districts and landholders are not authorized to repay their construction cost obligations early. According to Reclamation data, of the estimated 585 irrigation districts that had repayment or water service contracts with Reclamation, as of December 2013,²⁵ 87 districts—or about 15 percent—had authority for the district, or for landholders within the district, to repay their construction cost obligations early. Of those 87 irrigation districts, 69 districts exercised their authority and repaid early, or had some landholders who repaid early, as of December 2013, with early repayments totaling more than \$238.9 million, according to Reclamation data.

Contractual authority for early repayment is limited because only a small number of contracts that predate the Reclamation Reform Act of 1982—which prohibited new contracts after October 12, 1982, from authorizing early repayment—contain terms expressly authorizing early repayment.²⁶ Reclamation data indicate that of the 87 irrigation districts with early repayment authority, 55 districts had contracts that authorized landholders to repay their outstanding construction cost obligations early; these districts are located largely in the Pacific Northwest region. Some or all landholders within 39 of those 55 irrigation districts exercised this contractual authority and made early repayments totaling approximately

²⁵According to Reclamation data, as of December 2013, an estimated 585 irrigation districts had either repayment or water service contracts, or both, with Reclamation to receive project water for irrigation purposes; this number reflects districts with outstanding repayment obligations, as well as those that have fulfilled their construction cost obligations.

²⁶According to a relevant House committee report, the purpose of this prohibition was to “not permit lump-sum or accelerated payout which would inure only to the benefit of the wealthier districts and could also subvert the subsidy reduction provisions” pertaining to certain acreage and full-cost pricing limitations to which landholders are subject. H.R. Rep. No. 97-458 at 16 (1982).

\$18.7 million as of December 2013,²⁷ according to Reclamation data (see app. IV).

In addition, we identified seven statutes enacted since 2000 that authorize some irrigation districts—or, in some cases, landholders within those districts—to repay their construction cost obligations early. Specifically, we identified 32 irrigation districts that sought and received statutory authority for early repayment by the district or landholders.²⁸ Our analysis of Reclamation data shows that, of those 32 irrigation districts with statutory authority, 30 districts repaid early or had some landholders within the district who repaid early, with their early repayments totaling \$220.2 million, as of December 2013 (see app. IV). Twenty-two irrigation districts that receive water from the Central Valley Project and received statutory authority in 2009 comprised most of those early repayments, totaling nearly \$200.1 million.

²⁷The early repayment total of approximately \$18.7 million does not include repayment information for one irrigation district. According to Reclamation data, 487 landholders in that district repaid their construction cost obligations early over a range of dates from 1940 through 2000. Reclamation did not, however, have readily available the amounts of the early repayments for that district.

²⁸Four of these irrigation districts sought and received authority to have title of certain Reclamation water project assets transferred to them, and the statutes authorizing the transfers required the districts to pay specified amounts to relieve them of their outstanding repayment obligations.

Early Repayment Affects the Financial Return to the Federal Government and Accelerates the Elimination of Certain Restrictions and Requirements for Landholders

Early repayment affects the financial return to the federal government and accelerates the elimination of certain restrictions and requirements for landholders that are in place until their repayment obligations are fulfilled. While only a limited number of irrigation districts and landholders have early repayment authority, there has been consideration in Congress of expanding early repayment authority more broadly, such as to all irrigation districts.²⁹ Reclamation documents and officials we interviewed indicated that the agency has and would likely continue to support additional authorization for early repayment, so long as the financial return to the federal government was not negatively affected, but that the unique aspects of most water projects support authorizing early repayment on a case-by-case basis.³⁰

Reclamation officials and irrigation district officials told us that early repayment may not appeal to many districts or landholders, given that their repayments are otherwise due in fixed, interest-free amounts spread over many years. In addition, some noted, the districts or landholders may not be in a financial position to repay their outstanding repayment obligations on a lump-sum or accelerated basis. On the other hand, as described above, of the 87 irrigation districts that had early repayment authority, most of the districts, or at least some of the landholders within those districts, exercised such authority and repaid their obligations early. Based on our analysis, we found that early repayment more quickly eliminates certain restrictions and requirements for a landholder, which may provide an incentive for the landholder or the district to seek and exercise early repayment authority, depending on their circumstances. Specifically, we found that early repayment has various implications for the federal government, irrigation districts, and landholders, as follows.

²⁹In June 2012 and again in February 2014, the Natural Resources Committee of the U.S. House of Representatives held hearings on draft legislation that would authorize irrigation districts and other water users to repay their allocated construction costs before the repayment due date specified in their contracts. The Accelerated Revenue, Repayment and Surface Water Storage Enhancement Act was introduced in the U.S. House of Representatives. H.R. 3981, 113th Cong. (2014).

³⁰See, for example, Statement of the Record, Bureau of Reclamation, U.S. Department of the Interior, before the Natural Resources Committee Subcommittee on Water and Power, U.S. House of Representatives, on 1. H.R. 3981, the Accelerated Revenue, Repayment, and Surface Water Storage Enhancement Act; 2. H.R. 3980, the Water Supply Permitting and Coordination Act; and 3. Discussion Draft: Legislation to Amend the Secure Water Act of 2009 (Washington, D.C.: Feb. 5, 2014).

Early Repayment Affects the Financial Return to the Federal Government

Early repayment affects the financial return to the federal government, largely depending on whether a discount may be authorized, such as calculating the present value of the outstanding repayment obligation to determine the amount to be repaid early, and the size of that discount. If no discounts are authorized, any repayments that occur earlier than the due date specified in the contract would be worth more to the government because irrigation districts' repayments do not bear interest. By receiving lump-sum or accelerated payments early for the outstanding repayment obligations, the government avoids the loss in value that would otherwise occur with repayments made over time. For example, if in 2014 an irrigation district were to make a lump-sum payment of \$100,000 that would otherwise be due in annual installments through 2030 (e.g., about \$5,882 per year for 17 years), the government would receive that money sooner. Looked at another way, if the irrigation district were to continue making annual repayments over time, rather than repay early, the value to the government of \$100,000 paid in full after annual installments ending in 2030 would be approximately \$74,220 in 2014 dollars.³¹

Reclamation officials told us that in most instances where irrigation districts or landholders exercised their authority to repay early, the early repayment amounts reflected their outstanding repayment obligations, and the agency did not apply any discounts.

If early repayment authority provides a discount toward the outstanding repayment obligation, however, the value of the return to the government is reduced compared with repayment of the full outstanding amount. In recent years, a few statutes have granted certain irrigation districts a discount. For example, legislation enacted in 2009 required certain Central Valley Project irrigation districts to repay their outstanding repayment obligations early, at a discount of half the 20-year Treasury rate. This discount was intended to offset the irrigation districts' borrowing costs in obtaining loans to facilitate their early repayments, according to an attorney who represented the districts. In this example, the discount may have incentivized the irrigation districts to repay early, but it also reduced the financial return to the federal government compared with early repayment without a discount. Specifically, Reclamation data indicate that, if no discount had been applied, the early return to the government would have been \$236.7 million, rather than the \$200.1

³¹We made this calculation based on a discount rate of 3.37 percent, the 20-year Treasury rate as of March 2014.

million that was repaid based on the discount.³² On the other hand, if such a discount had not been provided, fewer irrigation districts may have exercised their early repayment authority, and a larger discount would have resulted in a smaller return to the government.

Based on past early repayments, some irrigation districts and landholders may be motivated to repay early without a discount, but Reclamation officials told us that they believe some kind of discount would be needed to incentivize many irrigation districts to consider early repayment, were it to be authorized. Under certain scenarios, authorizing a discount could result in early repayment ultimately being worth much less to the federal government compared with repayment of the full outstanding amount. For example, in 2012, the Congressional Budget Office analyzed proposed legislation that would have expanded early repayment authority to all irrigation districts in the Central Valley Project.³³ Had it been enacted, according to that analysis, the proposed legislation would have permitted early repayments at levels approximating the present value, by applying the 20-year Treasury rate, of the irrigation districts' outstanding repayment obligations. The Congressional Budget Office estimated that if this legislation were enacted and early repayment authority were exercised by the majority of those irrigation districts, it would result in a net loss of \$176 million to the government over the long-term.

Early Repayment Eliminates Acreage and Pricing Limitations for Landholders

Early repayment eliminates statutory acreage and pricing limitations for landholders sooner than if repayment is made by the due date specified in the contract. Under reclamation law, landholders who receive Reclamation project water are subject to limits on the amount of land they can own or lease for agricultural purposes and irrigate with project water, as well as the amount of land they can irrigate at subsidized rates, until they fulfill their repayment obligations.³⁴ Generally, until that time, landholders may not receive project water at any rate on land in excess of

³²This calculation was made based on the assumption that the same number of irrigation districts would have repaid early without a discount as what occurred with the discount.

³³Congressional Budget Office, "Cost Estimate: H.R. 1837 Sacramento-San Joaquin Valley Water Reliability Act" (Washington, D.C.: Feb. 27, 2012).

³⁴Subsidized rates are any water rate other than full-cost rates, and the rate can vary from district to district. Reclamation charges full-cost water rates for landholders who irrigate land above the statutory acreage limitations, which are rates set to cover (1) the construction cost component associated with the project, plus interest; (2) actual operation and maintenance costs; and (3) any operation and maintenance deficits, if applicable.

ownership limits and are charged full-cost water rates on land irrigated in excess of the amount subject to the pricing limitations. Full-cost water rates include interest charges on the landholders' remaining allocated portion of construction costs and can be substantially higher than the subsidized rates charged for acres under the statutory pricing limitations.³⁵ For instance, officials in one irrigation district told us their full-cost water rates were roughly double and, in another district, about 30 times higher than the subsidized rates. Once irrigation districts or landholders have repaid their construction cost obligations in full—whether early, or as scheduled by the terms of their contract—the landholders are no longer subject to these acreage and pricing limitations. As a result, landholders may be able to receive project water, to the extent it is available, on additional land or at a subsidized rate once they have fulfilled their repayment obligations.

Reclamation officials told us that any foregone income in future years from full-cost water rates would reduce the return to the federal government associated with early repayment. According to Reclamation officials, the agency collected approximately \$146.8 million from January 1988 through December 2013 in full-cost water rates from landholders who were irrigating land in excess of the amount subject to the statutory pricing limitations. Thus, if early repayment authority were exercised by those landholders, then the loss of full-cost water rate revenue in future years would at least partially offset the return to the government from early repayments. In addition, Reclamation officials and others we interviewed stated that early repayment would allow for the possibility of larger entities receiving project water at subsidized rates on larger landholdings sooner than intended under reclamation law—one of Reclamation's early goals in developing water projects throughout the western United States was to promote farming opportunities for small, family-owned operations. Other irrigation district officials told us, however, that even though their districts had landholders with excess acres who may be interested in early repayment, the elimination of acreage and pricing limitations would not likely serve as an incentive for the districts as a whole to repay early. For example, one official stated that her district would have to finance a loan to make early repayments on a lump-sum or

³⁵Reclamation officials told us that the number of acres irrigated and the number of landholders that irrigate with project water under the full-cost rates fluctuates from year to year and from district to district, based on water availability and demand.

accelerated basis, which did not make sense compared with making annual, interest-free repayments under the terms of the contract.

Early Repayment Eliminates Reporting Requirements for Landholders

Early repayment also eliminates annual reporting requirements for landholders earlier than if repayment was made by the due date specified in the contract. Until their construction cost obligations are repaid, landholders are subject to annual reporting requirements to ensure landholders' compliance with acreage and pricing limitations. According to irrigation district officials and landholders we interviewed, completing these reports can be difficult and time-consuming for landholders and for districts, which must complete a form for Reclamation summarizing the reports submitted by landholders. For example, one landholder in Oregon said that it repaid its construction cost obligation early, after receiving statutory authority to do so in 2005, in part to eliminate the need to submit the annual reports. On the other hand, some irrigation district officials told us that while the reporting requirements were burdensome, eliminating the reporting requirements would not be a sufficient reason for the district to repay early, if granted the authority, without other incentives.

Early Repayment Potentially Provides Irrigation Districts with Greater Assurance of Project Water in Perpetuity

Early repayment potentially provides irrigation districts with a greater assurance of receiving available project water on a permanent basis. The right to water is generally determined by state law—which varies by state and can be complex—so repayment and water service contracts do not provide a right to water under state law. Under federal reclamation law, however, these contracts give irrigation districts assurance of a specified amount of water from the project's available water supply, which becomes permanent upon completion of repayment of the construction costs allocated to the districts.³⁶ Securing a permanent right to project water in a geographic area where water supply is uncertain was a key motivation in the Central Valley Project irrigation districts' desire to convert their contracts and repay their construction costs early, according to an attorney who represented those districts in pursuing and receiving such authority in 2009. In addition, for irrigation districts that receive and exercise authority to convert their water service contracts to repayment

³⁶Contracts with Reclamation, however, do not provide a right to water under state law and delivery is contingent on the availability of water so districts may not necessarily receive water. For example, during the 2014 drought in California, Reclamation reduced the amount of water irrigation districts received. In addition, agency officials noted that the districts are still bound by all other provisions of a repayment contract, such as payment to Reclamation for operation and maintenance charges, once the construction cost repayment obligation is fulfilled.

contracts and repay early, the need for Reclamation and the districts to renegotiate water service contracts when they expire is eliminated, according to agency officials.³⁷ Reclamation officials and the attorney representing the Central Valley Project irrigation districts told us that renegotiating the terms of water service contracts can be time-consuming and unpredictable for landholders and their agricultural businesses and, therefore, repayment contracts may be preferable over water service contracts. On the other hand, the agency's flexibility for responding to water shortages, drought, and climate change-related issues could be limited as a result of fixing the amount of water an irrigation district receives under a repayment contract in perpetuity, according to a statement made by Reclamation's Commissioner in 2011.³⁸

Conclusions

With population, agricultural production, and development in the West projected to continue to increase, Reclamation may be called upon to modify or expand existing capacity for water storage or delivery. In considering potential new work and affiliated funding arrangements, Congress, as well as water users and the public, may benefit from evaluating information on past water projects. In particular, Congress and others may want to assess information on how costs were allocated and how funding and repayment arrangements were established among various water users in the past. Reclamation compiles such information in the repayment statements it prepares annually for each water project with outstanding repayment obligations. However, Reclamation does not make it readily known to the public that this information is available upon request. By further disseminating information to the public that construction cost and repayment data are available, Reclamation may increase interested parties' opportunities to obtain cost and repayment information, and Reclamation would promote transparency and potentially

³⁷Reclamation officials we interviewed indicated that a repayment contract is not technically needed for an irrigation district to repay its outstanding repayment obligations early and that early repayment could be authorized for a water service contract. If early repayment were authorized for a water service contract, then Reclamation would need to calculate a final repayment obligation and include provisions in the early repayment agreement that the irrigation district would be responsible for any future construction costs, according to Reclamation officials.

³⁸Statement of Michael L. Connor, Commissioner, Bureau of Reclamation, U.S. Department of the Interior, before the Natural Resources Committee Subcommittee on Water and Power, U.S. House of Representatives, on H.R. 1837, San Joaquin Valley Water Reliability Act (Washington, D.C.: June 2, 2011).

increase informed participation by the public. This, in turn, could further enable Congress, water users, and the public to assess past funding arrangements and enhance their ability to make informed decisions for funding potential new work, such as to expand water storage capacity.

Recommendation for Executive Action

Consistent with Reclamation's policy to make construction cost repayment statements available to the public upon request, and to promote transparency and increase informed participation by Congress, water users, and the public, the Secretary of the Interior should direct Reclamation to better promote to the public that annual statements of project construction cost and repayment are available.

Agency Comments

We provided a draft of this report to the Department of the Interior for review and comment. On August 13, 2014, the department's audit liaison indicated in an e-mail that the department concurred with the recommendation and did not have any other comments.

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies of this report to the appropriate congressional committees, the Secretary of the Interior, and other interested parties. In addition, the report will be available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff members have any questions about this report, please contact me at (202) 512-3841 or morriss@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix V.



Steve D. Morris
Acting Director, Natural Resources and Environment

Appendix I: Objectives, Scope, and Methodology

This appendix provides information on the scope of our work and the methodology used for the following objectives: examine (1) the extent to which Reclamation collects and reports information on water project construction costs and the status of repayment by irrigation districts and (2) the extent to which irrigation districts can repay their allocated water project construction costs early and the implications of early repayment.

In conducting our work, we reviewed the Reclamation Act of 1902, the Reclamation Project Act of 1939, the Reclamation Reform Act of 1982, and other relevant laws. We reviewed Reclamation policies and directives and other Reclamation documents on water project construction cost allocation, repayment, and early repayment of construction costs. We also reviewed our July 1996 report on the status of construction cost allocations and repayments.¹ In addition, we conducted interviews with knowledgeable Reclamation officials at the agency's central office in Denver, Colorado, and all five regional offices (Great Plains, Lower Colorado, Mid-Pacific, Pacific Northwest, and Upper Colorado) about issues related to the status of repayment and early repayment. For our interviews with officials from each of the regional offices, we developed a set list of open-ended questions to obtain information and documentation on information they maintain on water project construction cost allocation and repayment information and the use and availability to the public of this information, as well as the opportunities for and potential implications of early repayment, among other things.

To determine the extent to which Reclamation collects and reports information on water project construction costs and the status of repayment by irrigation districts, we analyzed Reclamation's Statements of Project Construction Cost and Repayment (repayment statements) for fiscal year 2012, the most current data available at the time of our review. Reclamation provided repayment statements for 76 projects with outstanding repayment obligations with irrigation districts, and provided repayment statements for 43 of 54 projects with irrigation that no longer had outstanding obligations with irrigation districts (Reclamation policy calls for repayment statements to be prepared annually for all water projects with construction cost repayments outstanding. This policy does not apply to water projects where all water users, including irrigation districts, have repaid their construction cost allocations, and per

¹[GAO/RCED-96-109](#).

Reclamation policy, preparing repayment statements for these projects is optional). The data contained in repayment statements are generally tied to audited accounting records.² The repayment statements are prepared annually by the regional offices for each water project that has construction costs allocated to one or more water users with an outstanding repayment obligation. The repayment statements contain information on total costs for the water project, including construction costs incurred as of the end of the fiscal year; estimated future construction costs, and other costs that Reclamation includes in its repayment analysis for construction costs, such as capitalized operation and maintenance costs; the allocation of construction costs among project purposes, including irrigation; and the status of repayment for costs allocated to each project purpose, including repayment realized, anticipated future repayment, and any financial assistance granted to irrigation districts, such as credits, which relieve water users from a portion of their allocated repayment obligations. To analyze and interpret the data contained in the repayment statements, we relied, in part, on the relevant financial standards section on repayment statements in the Reclamation Manual, which provides guidance on the content and format for repayment statements. When the data in a repayment statement included estimated future construction costs, we subtracted these estimated costs from the projects' total costs because such costs have not yet been and, in some cases, may never be, incurred. To assess the reliability of Reclamation repayment data, we took steps such as reviewing the guidance for developing repayment statements in the Reclamation Manual; interviewing Reclamation officials from all five regional offices who were involved in preparing the repayment statements, as well as officials from Reclamation's central finance office in Denver; identifying the sources of data included in the repayment statements and the agency's review process; and following up with Reclamation officials to obtain clarifying information in instances where we identified discrepancies in the data. On the basis of these steps, we found the repayment statements to be sufficiently reliable for the purposes of this report.

We reviewed information from each of the five regional offices on the number of repayment and water service contracts in their respective

²We did not independently verify the accuracy of the audited financial reports that Reclamation used for the cost allocation and repayment obligation information contained in each project's repayment statements.

regions where irrigation districts were making repayments on their allocated construction cost obligations, as of July 2014, for the Lower Colorado, Mid-Pacific, Pacific Northwest and Upper Colorado regions and, as of November 2013, for the Great Plains region. To assess the reliability of the data provided by the regions concerning the number of contracts of each type, we asked Reclamation officials a standard set of questions concerning the reliability of the data and reviewed corresponding documentation, and we found the data sufficiently reliable for the purposes of our report. We also reviewed Reclamation's policies and practices on making cost allocation and repayment information—specifically, its repayment statements—available to the public, as well as the Office of Management and Budget's open government directive and associated documentation related to ensuring the transparency of government information to the public.³

To examine the extent to which irrigation districts can repay their allocated water project construction costs early, and the implications of early repayment, we reviewed applicable laws, policies, and other relevant documents. We also collected data from Reclamation's regional offices on irrigation districts that have contractual or statutory authority to repay early, districts that have exercised such authority, and the dates and amounts of early repayments through December 2013. To assess the reliability of the data provided by Reclamation concerning early repayment, we asked Reclamation officials a standard set of questions concerning the reliability of the data and reviewed corresponding documentation, and we found the data sufficiently reliable for the purposes of our report. In addition, we conducted legal research to identify statutes that provide irrigation districts with the authority to repay their construction cost obligations early. To help identify the implications of early repayment, we reviewed the Reclamation Reform Act of 1982 and other laws and regulations that establish acreage and pricing limitations and reporting requirements for landholders until their repayment obligations are fulfilled. We also reviewed testimonies and a statement for the record by Reclamation on draft legislation that would have authorized early repayment for additional irrigation districts, and we reviewed Congressional Budget Office cost estimates of various bills

³Office of Management and Budget, *Open Government Directive*, M-10-06 (Washington, D.C.: Dec. 8, 2009); OMB Circular A-130, *Management of Federal Information Resources* (Washington, D.C.: Nov. 28, 2000).

since 2005 that proposed expanding early repayment authority to certain irrigation districts.

For both objectives, we conducted interviews with officials from a nonprobability sample of eight irrigation districts and two landholders from five water projects located in California, Nebraska, Oregon, and Wyoming to collect information on the repayment of construction costs and related issues.⁴ We selected these irrigation districts and landholders using criteria such as the type of contracts the districts held with Reclamation (repayment or water service contracts), their status of repayment, and whether or not the districts had early repayment authority. We also interviewed a nonprobability sample of nine individuals knowledgeable about Reclamation water projects on the status of repayments, early repayment authority, or both.⁵ Using the “snowball sampling” technique, we identified these individuals by asking for referrals to others knowledgeable about Reclamation water projects and their repayment from others whom we had previously interviewed. Specifically, we interviewed staff from the Congressional Research Service and Congressional Budget Office, attorneys who have represented irrigation districts pursuing enactment of legislation authorizing early repayment, an attorney who has represented environmental organizations in litigation concerning Reclamation water projects, an environmental consultant, former congressional staff, and officials from the Family Farm Alliance and Taxpayers for Common Sense.

We conducted this performance audit from June 2013 to September 2014 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

⁴Because we used a nonprobability sample, the information obtained in these interviews is not generalizable to other irrigation districts or landholders, but it provides illustrative information.

⁵Because we used a nonprobability sample, the information obtained in these interviews is not generalizable to other professionals knowledgeable about Reclamation water projects, but it provides illustrative information.

Appendix II: Cost Allocation and Repayment Information for 54 Projects for Which Irrigation Districts Have Fulfilled Obligations

The following two tables provide information on construction cost allocations by project purpose (table 3) and repayment status of construction costs allocated to irrigation (table 4) for 54 Bureau of Reclamation water projects for which irrigation districts have fulfilled their repayment obligations, as of the end of fiscal year 2012.

Table 3: Construction Cost Allocation by Project Purpose for 54 Bureau of Reclamation Water Projects for Which Irrigation Districts Have Fulfilled Their Repayment Obligations, as of the End of Fiscal Year 2012

Dollars in thousands					
Region and project	Construction costs ^a				Total ^c
	Reimbursable			Nonreimbursable ^b	
	Irrigation	Power	Municipal and industrial		
Great Plains					
Angostura	\$20,556	\$346	\$0	\$8,908	\$29,810
Colorado River	12,071	0	0	11,375	23,446
Fort Clark Unit	1,426	0	0	0	1,426
Glendo Unit	13,329	43,328	0	11,573	68,230
Heart Butte Unit	2,948	0	0	5,332	8,280
Intake	94	0	0	0	94
Kendrick	19,147	31,281	0	2,978	53,406
Lower Rio Grande, Mercedes Division	11,817	0	0	0	11,817
Lower Rio Grande, La Feria Division	5,774	0	0	0	5,774
Lower Yellowstone	6,281	0	0	36	6,317
Mirage Flats	3,102	0	0	112	3,214
Savage Unit	1,231	0	0	0	1,231
Sun River	19,104	0	0	9,764	28,868
W.C. Austin	10,613	0	1,080	3,426	15,119
Lower Colorado					
Boulder Canyon ^d					
Gila ^d					
Palo Verde Diversion Dam ^d					
Salt River ^d					
Yuma Auxiliary ^d					
Yuma ^d					
Mid-Pacific					
Humboldt	2,814	0	0	6,618	9,432
Santa Maria	9,586	0	0	2,068	11,654

**Appendix II: Cost Allocation and Repayment
Information for 54 Projects for Which Irrigation
Districts Have Fulfilled Obligations**

Dollars in thousands

Region and project	Construction costs ^a				Total ^c
	Reimbursable			Nonreimbursable ^b	
	Irrigation	Power	Municipal and industrial		
Solano	35,505	0	5,274	10,050	50,829
Truckee Storage	1,643	33	0	0	1,676
Pacific Northwest					
Arnold ^d					
Avondale	573	0	0	0	573
Burnt River ^d					
Dalton Gardens	564	0	0	0	564
Frenchtown ^d					
Grants Pass	809	0	0	1,073	1,881
Lewiston Orchards	2,331	0	1,046	5,310	8,687
Little Wood River	1,053	0	0	1,418	2,471
Mann Creek	3,763	0	0	440	4,203
Missoula Valley ^d					
Okanogan	15,819	0	0	8,098	23,918
Palisades	29,963	35,511	0	34,807	100,281
Ririe ^d					
Spokane Valley	5,132	0	970	0	6,102
Wapinitia	509	0	0	1,154	1,663
Upper Colorado					
Balmorhea	437	0	0	0	437
Brantley	1,779	0	0	200,365	202,144
Carlsbad	11,584	0	0	1,220	12,804
Fruitgrowers Dam	2,262	0	0	0	2,262
Grand Valley	10,898	214	0	0	11,112
Middle Rio Grande	19,189	0	0	27,577	46,766
Moon Lake	1,801	0	0	0	1,801
Newton	755	0	0	2,454	3,210
Pine River	1,754	0	0	1,797	3,551
Rio Grande	27,301	17,592	0	4,090	48,983
Sanpete	434	0	0	0	434
Seedskadee	1,603	7,649	14,118	74,289	97,658
Strawberry Valley	11,589	0	0	17,998	29,587

**Appendix II: Cost Allocation and Repayment
Information for 54 Projects for Which Irrigation
Districts Have Fulfilled Obligations**

Dollars in thousands

Region and project	Construction costs ^a				Total ^c
	Reimbursable			Nonreimbursable ^b	
	Irrigation	Power	Municipal and industrial		
Uncompahgre	18,401	0	0	0	18,401
Weber River	3,197	0	0	34	3,231
Total ^c	\$350,542	\$135,953	\$22,488	\$454,364	\$963,347

Source: GAO analysis of Bureau of Reclamation data. | GAO-14-764

^aThe construction costs do not include any estimated future costs that Reclamation anticipates may occur to complete projects.

^bUnder reclamation law, nonreimbursable costs are those that are generally borne by the federal government because certain project purposes are viewed as being national in scope.

^cNumbers may not sum to totals because of rounding.

^dStatements of Project Construction Cost and Repayment were not available for these projects; per Reclamation policy, it is optional to prepare repayment statements for projects that do not have ongoing repayments.

Table 4: Repayment Status of Construction Costs Allocated to Irrigation for 54 Bureau of Reclamation Water Projects for Which Irrigation Districts Have Fulfilled Their Repayment Obligations, as of the End of Fiscal Year 2012

Dollars in thousands

Region and project	Construction costs allocated to irrigation ^a	Repayment of irrigation costs		Credits ^d	Anticipated future repayment of costs allocated to irrigation	
	Irrigation	Irrigation districts ^b	Other repayment realized ^c		Irrigation assistance ^e	Other ^f
Great Plains						
Angostura	\$20,556	\$718	\$176	\$0	\$19,661	\$0
Colorado River	12,071	3,799	0	8,272	0	0
Fort Clark Unit	1,426	72	12	4	1,338	0
Glendo Unit	13,329	814	5,716	0	6,799	0
Heart Butte Unit	2,948	145	1,470	10	1,323	0
Intake	94	47	0	43	0	4
Kendrick	19,147	750	4,776	0	11,533	2,088
Lower Rio Grande, Mercedes Division	11,817	8,110	23	3,684	0	0
Lower Rio Grande, La Feria Division	5,774	5,749	24	0	0	0
Lower Yellowstone	6,281	3,929	47	654	0	1,651
Mirage Flats	3,102	842	22	2,238	0	0
Savage Unit	1,231	144	231	0	857	0

**Appendix II: Cost Allocation and Repayment
Information for 54 Projects for Which Irrigation
Districts Have Fulfilled Obligations**

Dollars in thousands						
Region and project	Construction costs allocated to irrigation ^a	Repayment of irrigation costs		Credits ^d	Anticipated future repayment of costs allocated to irrigation	
	Irrigation	Irrigation districts ^b	Other repayment realized ^c		Irrigation assistance ^e	Other ^f
Sun River	19,104	12,873	113	6,195	0	5
W.C. Austin	10,613	2,182	73	7,979	0	378
Lower Colorado						
Boulder Canyon ^g						
Gila ^g						
Palo Verde Diversion Dam ^g						
Salt River ^g						
Yuma Auxiliary ^g						
Yuma ^g						
Mid-Pacific						
Humboldt	2,814	2,976	0	0	49	0
Santa Maria	9,586	9,516	67	0	0	3
Solano	35,505	1,947	19,534	982	13,043	0
Truckee Storage	1,643	1,000	1	642	0	0
Pacific Northwest						
Arnold ^g						
Avondale	573	347	42	0	184	0
Burnt River ^g						
Dalton Gardens	564	356	0	0	208	0
Frenchtown ^g						
Grants Pass	809	809	0	0	0	0
Lewiston Orchards	2,331	2,101	230	0	0	0
Little Wood River	1,053	957	0	96	0	0
Mann Creek	3,763	811	2,952	0	0	0
Missoula Valley ^g						
Okanogan	15,819	4,246	95	11,478	0	0
Palisades	29,963	8,440	16,651	1,021	3,852	0
Ririe ^g						
Spokane Valley	5,132	2,667	50	0	2,358	57
Wapinitia	509	509	0	0	0	0
Upper Colorado						
Balmorhea	437	256	0	182	0	0

**Appendix II: Cost Allocation and Repayment
Information for 54 Projects for Which Irrigation
Districts Have Fulfilled Obligations**

Dollars in thousands

Region and project	Construction costs allocated to irrigation ^a	Repayment of irrigation costs		Credits ^d	Anticipated future repayment of costs allocated to irrigation	
	Irrigation	Irrigation districts ^b	Other repayment realized ^c		Irrigation assistance ^e	Other ^f
Brantley	1,779	1,247	1	532	0	0
Carlsbad	11,584	6,173	1,109	4,705	0	0
Fruitgrowers Dam	2,262	198	3	2,061	0	0
Grand Valley	10,898	5,844	72	4,982	0	0
Middle Rio Grande	19,189	15,709	0	3,506	0	0
Moon Lake	1,801	1,592	8	201	0	0
Newton	755	350	43	362	0	0
Pine River	1,754	1,334	75	348	0	0
Rio Grande	27,301	13,855	6,621	6,268	558	0
Sanpete	434	373	1	59	0	0
Seedskaadee	1,603	0	411	0	1,192	0
Strawberry Valley	11,589	10,909	293	426	0	0
Uncompahgre	18,401	9,946	185	8,373	0	0
Weber River	3,197	3,185	31	0	0	0
Total^h	\$350,542	\$147,827	\$61,159	\$75,301	\$62,954	\$4,186

Source: GAO analysis of Bureau of Reclamation data. | GAO-14-764

^aNumbers may not sum to total because of rounding. In addition, construction cost allocation information does not include any estimated future costs to complete projects or any anticipated future repayment for those costs. Furthermore, an excess of repayment over costs is expected for the Brantley, Carlsbad, Humboldt, Middle Rio Grande, Pine River, Strawberry Valley, Sun River, Uncompahgre, and Weber River projects, so in some instances the repayment of irrigation costs, credits, and anticipated future repayment of costs allocated to irrigation may exceed the costs allocated to irrigation.

^bRepayments that have been made pursuant to repayment, water service, or rehabilitation and betterment contracts, according to the Statements of Project Construction Cost and Repayment.

^cOther repayments realized include contributions and revenues that Reclamation calls "incidental revenues," such as excess water sold to irrigation districts or revenue from land leased for grazing.

^dCredits relieve water users from a portion of their allocated repayment obligations. Types of credits include congressionally authorized repayment reductions, or "charge-offs," and construction expenses determined to be nonreimbursable.

^eIrrigation assistance is the amount of construction costs allocated to irrigation that the Secretary of the Interior determines that irrigation districts are unable to pay for a given project, which is repaid from other revenue sources, where available.

^fOther anticipated future repayment includes repayment anticipated through future repayment contracts and contracts that have been deferred, among other things.

^gStatements of Project Construction Cost and Repayment were not available for these projects; per Reclamation policy, it is optional to prepare repayment statements for projects that do not have ongoing repayments.

^hNumbers may not sum to totals because of rounding.

Appendix III: Cost Allocation and Repayment Information for 76 Projects with Ongoing Repayments by Irrigation Districts

The following two tables provide information on construction cost allocations by project purpose (table 5) and repayment status of construction costs allocated to irrigation (table 6) for 76 Bureau of Reclamation water projects with ongoing repayments by irrigation districts, as of the end of fiscal year 2012.

Table 5: Construction Cost Allocation by Project Purpose for 76 Bureau of Reclamation Water Projects with Ongoing Repayments by Irrigation Districts, as of the End of Fiscal Year 2012

Dollars in thousands					
Region and project	Construction costs ^a				Total ^c
	Reimbursable			Nonreimbursable ^b	
	Irrigation	Power	Municipal and industrial		
Great Plains					
Ainsworth Unit	\$25,265	\$0	\$0	\$1,378	\$26,643
Almena Unit	6,270	0	368	14,872	21,510
Belle Fourche	72,925	0	0	8,556	81,482
Bostwick Division	68,767	0	0	39,495	108,262
Buffalo Rapids	5,264	0	0	0	5,264
Buford-Trenton	1,294	0	0	0	1,294
Colorado-Big Thompson	118,616	162,081	0	72,936	353,633
Crow Creek Unit	3,798	0	0	0	3,798
East Bench Unit	19,245	0	119	6,139	25,503
Frenchman-Cambridge Division	64,885	0	0	41,749	106,634
Fryingpan-Arkansas	75,321	151,356	167,572	217,780	612,029
Glen Elder Unit	4,068	0	263	53,246	57,577
Hanover-Bluff	9,534	0	0	0	9,534
Helena Valley Unit	17,347	0	1,025	995	19,367
Huntley	4,312	0	0	0	4,312
Keyhole Unit	3,713	0	0	4,942	8,655
Kirwin Unit	11,677	0	0	7,918	19,595
Milk River	15,004	0	96	3,569	18,669
North Loup Division	321,010	0	0	39,808	360,818
North Platte	33,268	16,222	0	7,769	57,258
Riverton Unit	76,157	1,059	0	787	78,003
San Angelo	17,057	0	6,643	68,273	91,973
Shoshone	38,753	7,025	10	461	46,250
Trinidad	6,436	0	0	0	6,436

**Appendix III: Cost Allocation and Repayment
Information for 76 Projects with Ongoing
Repayments by Irrigation Districts**

Dollars in thousands					
Region and project	Construction costs ^a				Total ^c
	Reimbursable		Municipal and industrial	Nonreimbursable ^b	
	Irrigation	Power			
Webster Unit	10,068	0	0	8,561	18,629
Lower Colorado					
Central Arizona ^d	1,155,069	606,616	1,231,980	1,401,053	4,394,717
Mid-Pacific					
Cachuma	28,145	0	26,479	45,394	100,017
Combined Projects	29,151	2,148	0	82,437	113,737
Central Valley	1,870,814	946,475	633,797	1,403,153	4,854,238
Lahontan Basin	20,233	3,445	0	67,104	90,782
Orland	12,898	0	0	28,431	41,329
Ventura River	22,146	0	18,265	56,406	96,818
Pacific Northwest					
Baker	5,475	0	0	3,909	9,384
Bitter Root	2,087	0	0	0	2,087
Boise	76,737	36,520	0	61,657	174,914
Chief Joseph Dam					
Foster Creek Division	4,115	0	0	18	4,132
Greater Wenatchee Division	8,664	0	0	745	9,410
Manson Unit	18,823	0	0	0	18,823
Whitestone-Coulee Unit	8,380	0	0	202	8,582
Columbia Basin	685,770	1,632,688	2,285	84,182	2,404,925
Crescent Lake Dam	3,827	0	0	0	3,827
Crooked River	12,152	0	0	38,360	50,512
Deschutes	18,749	0	25	31,843	50,616
Michaud Flats	5,009	0	0	252	5,262
Minidoka	62,781	96,466	0	177,584	336,831
Owyhee	20,873	0	0	217	21,090
Rathdrum Prairie	9,941	0	147	558	10,645
Rogue River Basin	17,850	14,892	0	6,926	39,668
The Dalles	6,824	0	0	26	6,850
Tualatin	31,540	0	4,713	20,592	56,845
Umatilla Basin	6,063	0	0	74,352	80,415
Vale	8,001	0	0	1,849	9,850
Yakima	149,420	14,857	0	122,206	286,483

**Appendix III: Cost Allocation and Repayment
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Dollars in thousands					
Region and project	Construction costs ^a				Total ^c
	Reimbursable			Nonreimbursable ^b	
	Irrigation	Power	Municipal and industrial		
Upper Colorado					
Bonneville Unit	359,249	145,665	1,175,631	1,019,704	2,700,249
Bostwick Park	6,656	0	0	3,843	10,499
Collbran	6,186	17,296	0	8,602	32,084
Dallas Creek	11,188	0	97,566	80,123	188,876
Dolores	365,268	36,372	15,244	163,508	580,392
Eden	13,916	0	0	84	14,000
Emery County	8,768	0	3,791	4,119	16,679
Florida	9,730	0	0	1,699	11,429
Fort Sumner	2,433	0	0	0	2,433
Hammond	7,215	0	0	225	7,439
Hyrum	3,299	0	0	1,954	5,253
Jensen Unit	5,763	0	46,916	17,595	70,274
Lyman	27,239	0	1,118	15,264	43,621
Mancos	5,144	0	0	0	5,144
Ogden River	20,574	0	0	6,588	27,162
Paonia	7,632	0	0	1,023	8,655
Preston Bench	690	0	0	0	690
Provo River	60,503	1,601	134,028	27,330	223,463
San Juan-Chama	28,800	0	38,966	15,827	83,594
Scofield	2,101	0	619	13,824	16,544
Silt	6,964	0	0	9,898	16,862
Smith Fork	4,300	0	0	5,478	9,777
Tucumcari	18,506	0	0	0	18,506
Vermejo ^e	2,340	0	0	253	2,593
Vernal Unit	11,030	0	716	9,311	21,056
Weber Basin	75,398	0	48,592	76,817	200,807
Total ^f	\$6,402,485	\$3,892,785	\$3,656,973	\$5,791,759	\$19,744,000

Source: GAO analysis of Bureau of Reclamation data. | GAO-14-764

^aThe construction costs do not include any estimated future costs that Reclamation anticipates may occur to complete projects.

^bUnder reclamation law, nonreimbursable costs are those that are generally borne by the federal government because certain project purposes are viewed as being national in scope.

^cNumbers may not sum to totals because of rounding.

**Appendix III: Cost Allocation and Repayment
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^dThe Arizona Water Settlements Act, the Arizona Water Settlement Agreement, which the act ratified, and a stipulated judgment that ended multiyear litigation fixed allocation of the project's water and repayment obligations without regard to specific water uses such as irrigation, which is a typical practice. The amounts reflected in the Central Arizona Project Statement of Project Construction Cost and Repayment for specific project purposes are inferred based on assumptions made by Reclamation officials. See Arizona Water Settlements Act, Pub. L. No. 108-451, tit. I, 118 Stat. 3478 (2004), the Arizona Water Settlement Agreement, and *Cent. Ariz. Water Conservation Dist. v. United States*, No. CIV 95-625, No. CIV 95-1720.

^eCost allocation and repayment information for Vermejo was last updated in 2007 because, since that time, repayment of the projects has been indefinitely deferred.

^fNumbers may not sum to totals because of rounding. Also, these figures do not include construction cost allocation information for one water project that provides irrigation, the Klamath project in the Mid-Pacific region. Reclamation has not prepared a final repayment statement for this project since fiscal year 2001 because it is in the process of crediting revenues from leasing land, among other things, according to Reclamation officials. According to a draft repayment statement prepared for the Klamath project for fiscal year 2010, the total cost of the project was \$121.9 million, of which \$101.2 million in costs were allocated to irrigation, and \$20.7 million were allocated to nonreimbursable purposes.

Table 6: Repayment Status of Construction Costs Allocated to Irrigation for 76 Bureau of Reclamation Water Projects with Ongoing Repayments by Irrigation Districts, as of the End of Fiscal Year 2012

Dollars in thousands							
Region and project	Construction costs allocated to irrigation ^a	Repayment of irrigation costs			Anticipated future repayment of costs allocated to irrigation		
	Irrigation	Irrigation districts ^b	Other repayments realized ^c	Credits ^d	Irrigation districts ^b	Irrigation assistance ^e	Other ^f
Great Plains							
Ainsworth Unit	\$25,265	\$6,007	\$305	\$0	\$4,159	\$14,794	\$0
Almena Unit	6,270	519	60	0	392	5,304	-5
Belle Fourche	72,925	5,487	4,196	2,375	2,795	57,503	570
Bostwick Division	68,767	16,119	1,385	0	7,285	43,977	0
Buffalo Rapids	5,264	1,332	39	3,846	47	0	0
Buford-Trenton	1,294	35	115	402	552	0	190
Colorado-Big Thompson	118,616	29,942	10,432	1,969	677	75,525	71
Crow Creek Unit	3,798	143	72	0	8	3,577	0
East Bench Unit	19,245	1,557	1,813	0	187	15,688	0
Frenchman-Cambridge Division	64,885	8,544	-360	2,682	2,345	51,675	0
Fryingpan-Arkansas	75,321	158	0	0	74,191	972	0
Glen Elder Unit	4,068	0	1,294	0	8	2,766	0
Hanover-Bluff	9,534	1,272	204	26	258	7,774	0

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Dollars in thousands							
Region and project	Construction costs allocated to irrigation ^a	Repayment of irrigation costs			Anticipated future repayment of costs allocated to irrigation		
	Irrigation	Irrigation districts ^b	Other repayments realized ^c	Credits ^d	Irrigation districts ^b	Irrigation assistance ^e	Other ^f
Helena Valley Unit	17,347	857	368	94	57	15,971	0
Huntley	4,312	1,740	168	410	152	0	1,843
Keyhole Unit	3,713	219	370	0	140	2,985	0
Kirwin Unit	11,677	1,318	449	0	537	9,373	0
Milk River	15,004	8,348	1,331	3,375	899	0	1,050
North Loup Division	321,010	10,502	391	0	24,135	285,982	0
North Platte	33,268	24,345	2,643	3,299	923	825	1,232
Riverton Unit	76,157	5,052	5,121	17,502	2,946	45,113	422
San Angelo	17,057	13,507	24	224	3,302	0	0
Shoshone	38,753	15,536	1,541	11,705	9,708	433	415
Trinidad	6,436	1,761	0	0	4,675	0	0
Webster Unit	10,068	949	159	0	551	8,408	0
Lower Colorado							
Central Arizona ^g	1,155,069	60,477	42,759	848,876	202,957 ^h	0	0
Mid-Pacific							
Cachuma	28,145	3,938	16,731	0	3,484	0	3,991
Combined Projects	29,151	28,358	777	0	16	0	0
Central Valley	1,870,814	729,568	73,290	16,695	829,230	47,026	175,004
Lahontan Basin	20,233	4,946	2,045	4,578	166	0	8,498
Orland	12,898	3,489	279	0	0	0	9,129
Ventura River	22,146	17,973	388	0	2,027	0	1,758
Pacific Northwest							
Baker	5,475	969	7	52	383	4,065	0
Bitter Root	2,087	2,071	7	2	7	0	0
Boise	76,737	33,782	31,169	90	8,449	0	3,248
Chief Joseph Dam							
Foster Creek Division	4,115	1,165	10	743	208	1,799	189
Greater Wenatchee Division	8,664	3,689	23	0	988	3,964	0

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Dollars in thousands							
Region and project	Construction costs allocated to irrigation ^a	Repayment of irrigation costs			Anticipated future repayment of costs allocated to irrigation		
	Irrigation	Irrigation districts ^b	Other repayments realized ^c	Credits ^d	Irrigation districts ^b	Irrigation assistance ^e	Other ^f
Manson Unit	18,823	1,330	0	0	1,330	16,163	0
Whitestone-Coulee Unit	8,380	561	0	0	349	7,470	0
Columbia Basin	685,770	59,205	68,370	0	13,661	494,327	50,208
Crescent Lake Dam	3,827	3,789	0	30	0	0	8
Crooked River	12,152	3,633	870	296	1,909	3,552	1,892
Deschutes	18,749	7,282	403	1,700	9,364	0	-1
Michaud Flats	5,009	2,557	31	0	341	2,081	0
Minidoka	62,781	41,757	11,662	178	1,810	0	7,373
Owyhee	20,873	10,678	282	0	9,913	0	0
Rathdrum Prairie	9,941	2,004	1,860	174	62	5,840	0
Rogue River Basin	17,850	5,727	158	9	2,296	9,660	0
The Dalles	6,824	1,744	70	0	806	4,204	0
Tualatin	31,540	2,881	15	0	2,993	25,316	335
Umatilla Basin	6,063	1,863	977	2,289	935	0	0
Vale	8,001	5,468	200	412	1,921	0	0
Yakima	149,420	61,808	9,553	56,023	4,998	13,652	3,387
Upper Colorado							
Bonneville Unit	359,249	1,271	629	62,129	6,266	280,116	8,839
Bostwick Park	6,656	734	92	0	347	5,483	0
Collbran	6,186	1,004	5,097	0	85	0	0
Dallas Creek	11,188	4,810	186	0	1,456	4,736	0
Dolores	365,268	5,021	487	0	19,022	335,293	5,445
Eden	13,916	935	123	0	381	12,478	0
Emery County	8,768	1,960	26	0	389	6,393	0
Florida	9,730	1,456	138	0	320	7,692	125
Fort Sumner	2,433	1,807	42	0	602	0	23
Hammond	7,215	356	42	0	180	6,637	0
Hyrum	3,299	2,644	12	107	536	0	0
Jensen Unit	5,763	420	9	0	330	5,005	0
Lyman	27,239	1,651	60	0	1,802	23,727	0

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Dollars in thousands							
Region and project	Construction costs allocated to irrigation ^a	Repayment of irrigation costs		Credits ^d	Anticipated future repayment of costs allocated to irrigation		
	Irrigation	Irrigation districts ^b	Other repayments realized ^c		Irrigation districts ^b	Irrigation assistance ^e	Other ^f
Mancos	5,144	870	3	4,169	103	0	0
Ogden River	20,574	13,735	159	504	6,241	0	0
Paonia	7,632	1,365	142	0	955	5,170	0
Preston Bench	690	582	0	0	108	0	0
Provo River	60,503	6,871	49,775	137	4,129	0	0
San Juan-Chama	28,800	3,515	429	0	70	24,686	100
Scofield	2,101	1,291	8	32	769	0	0
Silt	6,964	787	33	0	173	5,971	0
Smith Fork	4,300	923	81	0	103	3,194	0
Tucumcari	18,506	4,878	18	11,816	1,795	0	0
Vermejo ^l	2,340	43	0	232	2,065	0	0
Vernal Unit	11,030	1,381	81	0	959	8,608	0
Weber Basin	75,398	35,065	84	12,299	27,950	0	0
Total^l	\$6,402,485	\$1,353,332	\$351,812	\$1,071,483	\$1,318,668	\$2,022,948	\$285,340

Source: GAO analysis of Bureau of Reclamation data. | GAO-14-764

^aNumbers may not sum to totals because of rounding. In addition, construction cost allocation information does not include any estimated future costs to complete projects or any anticipated future repayment for those costs. For the Upper Colorado region, anticipated future repayment as reported assumes that the Bonneville Unit and Mancos projects will be completed. Furthermore, an excess of repayment over costs is expected for the Fort Sumner, Ogden River, Provo River, and Shoshone projects, so in some instances the repayment of irrigation costs, credits, and anticipated future repayment of costs allocated to irrigation will exceed the costs allocated to irrigation.

^bAmounts include repayments that have been made or are anticipated pursuant to repayment or water service contracts, as well as some repayments made through rehabilitation and betterment contracts, according to the Statements of Project Construction Cost and Repayment.

^cOther repayments realized include contributions and revenues that Reclamation calls "incidental revenues," such as excess water sold to irrigation districts or revenue from land leased for grazing.

^dCredits relieve water users from a portion of their allocated repayment obligations. Types of credits include congressionally authorized repayment reductions, or "charge-offs," and construction expenses determined to be nonreimbursable.

^eIrrigation assistance is the amount of construction costs allocated to irrigation that the Secretary of the Interior determines that irrigation districts are unable to pay for a given project, which is repaid from other revenue sources, where available.

^fOther anticipated future repayment includes repayment anticipated through future repayment contracts and contracts that have been deferred, among other things.

^lThe Arizona Water Settlements Act, the Arizona Water Settlement Agreement, which the act ratified, and a stipulated judgment that ended multiyear litigation fixed allocation of the project's water and repayment obligations without regard to specific water uses such as irrigation, which is the typical practice. The amounts reflected in the Central Arizona Project repayment statement for specific project purposes are inferred based on assumptions made by Reclamation officials. See Arizona Water Settlements Act, Pub. L. No. 108-451, tit. I, 118 Stat. 3478 (2004), the Arizona Water

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Settlement Agreement, and *Cent. Ariz. Water Conservation Dist. v. United States*, No. CIV 95-625, No. CIV 95-1720.

^hThis \$203.0 million in anticipated future repayment for the Central Arizona Project is being repaid, pursuant to federal law, a settlement agreement, and stipulated judgment, by a municipal corporation that operates and maintains the Central Arizona Project. The United States had entered into repayment contracts with irrigation districts for the repayment of Central Arizona Project irrigation distribution system construction costs. Under the Central Arizona Project Settlement Act of 2004 and the Arizona Water Settlement Agreement, however, irrigation districts that voluntarily relinquished Central Arizona Project water to which they were entitled by the terms of their contracts received relief from their repayment obligations, among other things.

ⁱRepayment information for Vermejo was last updated in 2007 because, since that time, repayment of the projects has been indefinitely deferred.

^jNumbers may not sum to totals because of rounding. Also, these figures do not include repayment information for one water project that provides irrigation, the Klamath project in the Mid-Pacific region. Reclamation has not prepared a final repayment statement for this project since fiscal year 2001 because it is in the process of crediting revenues from leasing land, among other things, according to Reclamation officials. According to a draft repayment statement prepared for the Klamath project for fiscal year 2010, \$101.2 million in costs were allocated to irrigation, \$9.0 million was repaid by irrigation districts, \$46.2 million was repaid from other sources, and \$33.1 million was provided in financial assistance.

Appendix IV: Irrigation Districts with Contractual or Statutory Authority for Early Repayment of Construction Cost Obligations

The following two tables provide information on irrigation districts with contractual authority for landholders to repay their outstanding construction cost obligations early, and early repayments made (table 7) and irrigation districts with statutory authority for the districts or landholders to repay their outstanding construction cost obligations early, and early repayments made (table 8), as of December 2013.

Table 7: Irrigation Districts with Contractual Authority for Landholders to Repay Outstanding Construction Cost Obligations Early, and Early Repayments Made, as of December 2013

Region and project	Irrigation districts with contractual authority for early repayment by landholders	Irrigation districts in which the district or landholders repaid early ^a	Early repayments made
Great Plains			
North Platte	2	2	\$15,637,349
Huntley	1	1	unavailable ^b
Pacific Northwest			
Boise	1	1	62,282
Deschutes	1	1	199,703
Michaud Flats	1	1	94,924
Minidoka	1	0	0
Minidoka and Palisades ^c	40	25	418,056
Owhyee	3	3	622,614
Rogue River Basin	1	1	380,048
Umatilla Basin	1	1	9,406
Yakima	3	3	1,242,022
Total	55	39	\$18,666,403^{d,e}

Source: GAO analysis of Bureau of Reclamation data. | GAO-14-764

^aIn most of the 39 irrigation districts with landholders who exercised their contractual early repayment authority, all of the landholders repaid early, and therefore the districts as a whole repaid early.

^bAccording to Reclamation data, 487 landholders in this irrigation district repaid their construction cost obligations early, from 1940 through 2000, but Reclamation could not readily provide the amounts of those early repayments.

^cAccording to Reclamation officials, these irrigation districts have contractual authority for landholders within their districts to repay their construction cost obligations early for two projects, Minidoka and Palisades.

^dNumbers may not sum to total because of rounding.

^eTotal does not include early repayments for the Huntley project.

**Appendix IV: Irrigation Districts with
Contractual or Statutory Authority for Early
Repayment of Construction Cost Obligations**

Table 8: Irrigation Districts with Statutory Authority for the Districts or Landholders to Repay Outstanding Construction Cost Obligations Early, and Early Repayments Made, as of December 2013

Region and project	Irrigation districts with statutory authority for early repayment	Statute and terms of early repayment authority	Early repayments made
Great Plains			
Pick-Sloan Missouri Basin Program ^a	2	Pub. L. No. 106-366 (2000) - authorized transfer of title to certain Reclamation assets to the Farwell Irrigation District and Sargent Irrigation District, which had repayment contracts, in exchange for approximately \$2.8 million. According to Reclamation officials, this amount was an accelerated repayment that was discounted from the districts' outstanding repayment obligations.	\$2,847,360
Mid Pacific			
Central Valley	24	Pub. L. No. 111-11, § 10010 (2009) – (1) directed Reclamation to convert 19 irrigation districts' water service contracts to repayment contracts by December 31, 2010, and (2) authorized Reclamation to convert the water service contracts of 5 other irrigation districts upon those districts' request. ^b Required the converted contracts to require early repayment, either in lump-sum or accelerated prepayment, by specified time frames. Discounted the early repayment of outstanding construction costs by half the 20-year Treasury rate. Required districts to repay construction costs and other capitalized costs properly assignable to them after completion of construction on the Central Valley Project and a final cost allocation by Reclamation. Prohibited the use of power revenues to aid in repayment of construction costs allocated to irrigation.	200,072,648
Central Valley	1	Pub. L. No. 106-377, appx. B, tit. II, § 212 (2000) – authorized transfer of title to the project's Sly Park Unit to the El Dorado Irrigation District, in exchange for \$11.5 million to relieve repayment obligations and extinguish all debts associated with the district's contracts.	11,500,000 ^c
Central Valley	1	Pub. L. No. 106-566, tit. V, § 503 (2000) - authorized transfer of title to certain facilities to the Foresthill Public Utility District, in exchange for approximately \$2.7 million, which relieved the irrigation district of all repayment obligations for the facilities, and relieved the district of all debt under the district's water service contract.	2,772,221 ^d
Pacific Northwest			
Minidoka	1	Pub. L. No. 110-229, § 508 (2008) - authorizes landholders in the A&B Irrigation District to repay at any time the project's construction costs allocated to their land.	639,783

**Appendix IV: Irrigation Districts with
Contractual or Statutory Authority for Early
Repayment of Construction Cost Obligations**

Region and project	Irrigation districts with statutory authority for early repayment	Statute and terms of early repayment authority	Early repayments made
Rogue River Basin	2	Pub. L. No. 109-138 (2005) - authorizes landholders in the Medford Irrigation District and the Rogue River Valley Irrigation District to repay at any time the construction costs of the project facilities allocated to their land.	78,513
Upper Colorado			
San Juan-Chama	1	Pub. L. No. 107-20, § 2402 (2001) - requires Reclamation to accept prepayment for all remaining repayment obligations under a specific contract if early repayment is offered by the Middle Rio Grande Conservancy District.	2,329,091
Total	32^e		\$220,239,616

Source: GAO analysis of Bureau of Reclamation data and laws. | GAO-14-764

^aThe Pick-Sloan Missouri Basin Program contains multiple Reclamation water projects.

^bThe San Joaquin River Restoration Settlement Act (Pub. L. No. 111-11, tit. X, subtit. A, pt. I, § 10010(a)(2) (2009)) did not specify the irrigation districts within the Friant Division for which Reclamation was authorized (but not required) to convert the district's water service contract to a repayment contract upon the district's request. However, according to Reclamation officials, there were five such irrigation districts at that time.

^cAccording to Reclamation officials, the El Dorado Irrigation District had four repayment and water service contracts, which provided the district with water for irrigation as well as municipal and industrial purposes. The agency could not readily provide the early repayment amounts specifically for irrigation.

^dAccording to Reclamation officials, the Foresthill Public Utility District had a water service contract that provided the district with water for irrigation as well as municipal and industrial purposes. Of the \$2.7 million the district repaid early, \$194,085 was for its irrigation construction cost obligation.

^eOf the 32 irrigation districts with statutory authority for the districts—or, in some cases, landholders within those districts—to repay their construction cost obligations early, 30 districts either repaid early as a whole or had some landholders who repaid early. Two irrigation districts in the Central Valley Project that were authorized to repay early by Pub. L. No. 111-11, § 10010(a) (2009) did not repay early; according to Reclamation officials, one of those districts had no outstanding repayment obligation, and the other district chose not to exercise its authority.

Appendix V: GAO Contact and Staff Acknowledgments

GAO Contact

Steve D. Morris, (202) 512-3841 or morris@gao.gov

Staff Acknowledgments

In addition to the individual named above, Alyssa M. Hundrup (Assistant Director), Josey Ballenger, Marya Link, and Jeanette Soares made key contributions to this report. Stephen Brown, Cindy Gilbert, Paul Kinney, and Alison O'Neill also provided assistance.

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Please Print on Recycled Paper.

Hi everyone,

Wanted to forward this to the team as an FYI in case you missed it's recent issuance.

Regards,

Dennis

From: Tom Birmingham
Sent: Saturday, October 4, 2014 11:22 AM
To: 'Watts, John (Feinstein)'
CC: 'Bernhardt, David L.'
Subject: RE: Language sent to Kiel attached

John,

I can be available to talk anytime over the weekend. What is convenient for you?

Tom

-----Original Message-----

From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]
Sent: Saturday, October 04, 2014 8:36 AM
To: 'tbirmingham@westlandswater.org'; 'DBernhardt@BHFS.com'
Subject: Language sent to Kiel attached

Yay! We got the Administration clearance on its technical drafting assistance, and the language is sent. I also separately sent a redlined version of section 204 on the predator pilot program on the Stanislaus, so Denham's office as the lead author of that provision can see and respond to the agencies' (relatively few) suggested edits. I sent Kiel a clean version of the language, with just a few comment bubbles on factual issues the agencies are still checking, and on a few provisions where the agencies' expert technical drafting assistance is still in process.

Tom, can we talk some time over the weekend? I am going over the current language with House staff Monday at 3, and want to talk about ways to characterize it. Thanks.

----- Original Message -----

From: Watts, John (Feinstein)
Sent: Saturday, October 04, 2014 10:33 AM Eastern Standard Time
To: Watts, John (Feinstein)
Subject:

From: Tom Birmingham
Sent: Saturday, October 4, 2014 12:36 PM
To: 'Watts, John (Feinstein)'
Subject: RE: Language sent to Kiel attached

Sounds good. May I invite David to join us?

-----Original Message-----

From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]
Sent: Saturday, October 04, 2014 12:16 PM
To: 'tbirmingham@westlandswater.org'
Subject: Re: Language sent to Kiel attached

How about 330 eastern time, 1230 pacific time tomorrow?

----- Original Message -----

From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]
Sent: Saturday, October 04, 2014 02:21 PM Eastern Standard Time
To: Watts, John (Feinstein)
Cc: 'Bernhardt, David L.' <DBernhardt@BHFS.com>
Subject: RE: Language sent to Kiel attached

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Tom

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----- Original Message -----

From: Watts, John (Feinstein)
Sent: Saturday, October 04, 2014 10:33 AM Eastern Standard Time
To: Watts, John (Feinstein)
Subject:

From: Tom Birmingham
Sent: Saturday, October 4, 2014 1:24 PM
To: 'Bernhardt, David L.'
CC: 'Watts, John (Feinstein)'
Subject: FW: Language sent to Kiel attached

David,

John and I are scheduled to talk at 3:30 p.m. EDT (12:30 PDT) tomorrow, Sunday. Please join us if you are available. The call in number will be (800) [REDACTED] - [REDACTED] pass code [REDACTED]

Tom

-----Original Message-----

From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]
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----- Original Message -----

From: Watts, John (Feinstein)
Sent: Saturday, October 04, 2014 10:33 AM Eastern Standard Time
To: Watts, John (Feinstein)
Subject:

From: Bernhardt, David L.
Sent: Saturday, October 4, 2014 1:26 PM
To: Tom Birmingham
CC: Watts, John (Feinstein)
Subject: Re: Language sent to Kiel attached

I will be on. Thank you.

David Bernhardt

> On Oct 4, 2014, at 4:24 PM, "Tom Birmingham" <tbirmingham@westlandswater.org> wrote:

>

> David,

>

> John and I are scheduled to talk at 3:30 p.m. EDT (12:30 PDT) tomorrow, Sunday. Please join us if you are available. The call in number will be (800) [REDACTED] - [REDACTED] pass code [REDACTED]

>

> Tom

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> Subject: Re: Language sent to Kiel attached

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> ----- Original Message -----

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> Sent: Saturday, October 04, 2014 02:21 PM Eastern Standard Time

> To: Watts, John (Feinstein)

> Cc: 'Bernhardt, David L.' <DBernhardt@BHFS.com>

> Subject: RE: Language sent to Kiel attached

>

> John,

>

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>

> Tom

>

>

> -----Original Message-----

> From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]

> Sent: Saturday, October 04, 2014 8:36 AM

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> Subject: Language sent to Kiel attached

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> ----- Original Message -----

> From: Watts, John (Feinstein)
> Sent: Saturday, October 04, 2014 10:33 AM Eastern Standard Time
> To: Watts, John (Feinstein)
> Subject:
>
>
>
>
>

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From: Tom Birmingham
Sent: Monday, October 6, 2014 3:20 PM
To: 'Nelson, Damon'
CC: 'Bernhardt, David L.'
Subject: Meeting Tomorrow

Damon,

David Bernhardt and I were hopeful that we could come by your office at 9:30 a.m. tomorrow to discuss the latest draft. Will that work for you?

Tom

From: Nelson, Damon
Sent: Monday, October 6, 2014 3:59 PM
To: Tom Birmingham
CC: Bernhardt, David L.
Subject: Re: Meeting Tomorrow

Come on by.

Sent from my iPhone

On Oct 6, 2014, at 6:20 PM, Tom Birmingham <tbirmingham@westlandswater.org> wrote:

Damon,

David Bernhardt and I were hopeful that we could come by your office at 9:30 a.m. tomorrow to discuss the latest draft. Will that work for you?

Tom

From: Tom Birmingham
Sent: Tuesday, October 7, 2014 12:54 PM
To: 'Watts, John (Feinstein)'
Subject: RE: near term management actions

John,

I will call you as soon as I can to update you on my discussions.

Tom

From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]
Sent: Tuesday, October 07, 2014 9:06 AM
To: 'Tom Birmingham'
Cc: Bernhardt, David L.
Subject: FW: near term management actions

Tom, fyi, below is a list Brad Cavallo compiled of near-term management actions the agencies could take to benefit the through-Delta survival rates of listed salmonid species. The significance of this list is that if the agencies took these actions and aggregated the fishery benefits, under our language it would require them to scale some of the water supply restrictions in the salmonid biological opinion. The idea here is that while NOAA Fisheries is working on some of the bigger longer-term projects that could lead to bigger benefits for the fish and bigger changes to the biop's water supply restrictions, these measures could be used to achieve some water supply relief in the near term.

I gave this list to the House R staff when I met with them yesterday.

Tom, Can you call me when you get a chance to report on how the day is going?

Thanks.

From: Bradley Cavallo [<mailto:bradley.cavallo@gmail.com>]
Sent: Thursday, September 04, 2014 1:48 AM
To: Watts, John (Feinstein)
Cc: Brenda W Burman
Subject: near term management actions

Hi John. Its still Wednesday in California. ;)

Below is a pretty good start for a list of feasible, near-term actions to benefit ESA listed salmonids. Most of these are Delta-centric. I'm sure there are many other good ideas that I've overlooked.

Incidentally, I took many of these right out of the Columbia Hydropower BiOp support documents. Others are ideas that the ocean fishermen have been advocating.

-Brad

Near-term management actions likely to be beneficial to ESA listed salmonids

Combine behavioral barriers (floating panels) with rotary screw traps to capture and save juvenile salmonids as they are entrained into Clifton Court Forebay

Remove or modify pilings and pile dikes with low economic value when removal or modification would benefit juvenile salmonids and improve ecosystem health.

Temporarily suppress non-native macrophytes (habitat for non-native predators) along key migration corridors or at predation hot spots

Provide temporary predator exclusion fencing at points along key migration corridors or at predation hot spots

Reduce unnecessary down-lighting at manmade structures to minimize predation on juvenile salmonids at night

Conduct experimental reward tag fishing derbies to relocate juvenile salmonid predators in key areas or at predation hot spots

Conduct experimental predator removal in key areas or predation hot spots using gill nets, long lines or electrofishing

Implement pesticide and fertilizer best management practices to reduce estuarine and upstream sources of nutrients and toxic contaminants entering the estuary

Place behavioral barriers (floating panels) to deter migrating juvenile salmonids from entering lower survival routes

Protect remaining high-quality salmonid rearing habitat from degradation or modification

Implement real-time genetic monitoring and management to further minimize incidental take of spring and winter Chinook in ocean fisheries

Provide a pilot trap and barge program for juvenile salmonids entering the Delta from the San Joaquin River basin

Incorporate natural origin O. mykiss from above rim dams into steelhead hatchery broodstock (to improve fitness and allow genetic exchange, current hatchery steelhead stocks are heavily domesticated)

Deploy temporary weirs at key tributaries to minimize introgression and competition from straying hatchery origin steelhead

Deploy temporary weirs at key tributaries to protect spring Chinook from introgression and competition from hatchery fall Chinook

Bradley J. Cavallo
President, Senior Scientist
Cramer Fish Sciences
13300 New Airport Road, Suite 102
Auburn CA 95602

office 530.888.1443 ext. 11

mobile [REDACTED]

www.fishsciences.net

www.genidags.com

From: Tom Birmingham
Sent: Tuesday, October 7, 2014 1:24 PM
To: jessica.butler@mail.house.gov
CC: David L. Bernhardt
Subject: Fwd: Text suggestion

Jessica,

The following is a definition drafted by David Bernhardt. I hope this is helpful.

Tom

Sent from my iPhone

Begin forwarded message:

From: "Bernhardt, David L." <DBernhardt@BHFS.com>
Date: October 7, 2014 at 1:40:52 PM EDT
To: "Thomas W. Birmingham (tbirmingham@westlandswater.org)" <tbirmingham@westlandswater.org>
Subject: Text suggestion

Tom: Here is what I would suggest, I suspect you will tweak it, but I would like to start as broadly as possible.

SEC. 201. DEFINITIONS.

In this title:

- (1) ASSISTANT ADMINISTRATOR.—The term "Assistant Administrator" means the Assistant Administrator of NOAA Fisheries.
- (2) SECRETARY.—The term "Secretary" means the Secretary of Commerce.
- (3) Other Affected Interests. — The term "other affected interests" means the State of California, subdivisions of the State of California, public water agencies and the tens of millions of people who benefit directly and indirectly from the multipurpose operations of the Central Valley Project and the State Water Project.

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From: Nelson, Damon
Sent: Tuesday, October 7, 2014 1:30 PM
To: Bernhardt, David L.
CC: Tom Birmingham
Subject: Current Edits
Attachments: Draft Edits for Water Bill.docx

David,
Attached are current edits produced by Tom. Please review and provides comments to him.
Damon

CONFIDENTIAL DRAFT LANGUAGE – DO NOT DISTRIBUTE

Title: To provide drought relief in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “California Drought Relief Act of 2014”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec.1.Short title; table of contents.

Sec.2.Findings.

Sec.3.Definitions.

**TITLE I—ADJUSTING DELTA SMELT MANAGEMENT
BASED ON INCREASED REAL-TIME MONITORING AND
UPDATED SCIENCE**

Sec.101.Definitions.

Sec.102.Revise incidental take level calculation to reflect new science.

Sec.103.Factoring increased real-time monitoring and updated science into delta smelt management.

**TITLE II—ENSURING SALMONID MANAGEMENT IS
RESPONSIVE TO NEW SCIENCE**

Sec.201.Definitions.

Sec.202.Required scientific studies.

Sec.203.Process for ensuring salmonid management is responsive to new science.

Sec.204.Pilot program to protect native anadromous fish in the Stanislaus River.

Sec.205.CALFED invasive species pilot projects in the Sacramento-San Joaquin Bay Delta and its tributaries.

Sec.206.Mark fishery and harvest management.

Sec.207.New actions to benefit Central Valley salmonids.

**TITLE III—OPERATIONAL FLEXIBILITY AND DROUGHT
RELIEF**

Sec.301.Findings.

Sec.302.Definitions.

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- 1 Sec.303.Operational flexibility in times of drought.
- 2 Sec.304.Operation of cross-channel gates.
- 3 Sec.305.Flexibility for export/inflow ratio.
- 4 Sec.306.Emergency environmental reviews.
- 5 Sec.307.Prioritizing State revolving funds during droughts.
- 6 Sec.308.Increased flexibility for regular project operations.
- 7 Sec.309.Temporary operational flexibility for first few storms of 2015 water year.
- 8 Sec.310.Expediting water transfers.
- 9 Sec.311.Warren Act contracts. [PLACEHOLDER]
- 10 Sec.312.Additional Warren Act contracts. [PLACEHOLDER]

11 **TITLE IV—INCREASING WATER STORAGE**

- 12 Sec.401.Findings.
- 13 Sec.402.Calfed storage feasibility studies.
- 14 Sec.403.Water storage project construction.
- 15 Sec.404.Other storage feasibility studies.
- 16 Sec.405.Dam safety projects with increased storage component.
- 17 Sec.406.Updating water operations manuals for non-Federal projects.
- 18 Sec.407.Central Valley Project.

19 **TITLE V—WATER RIGHTS PROTECTIONS**

- 20 Sec.501.Protections for State water project contractors.
- 21 Sec.502.Area of origin protections.
- 22 Sec.503.No redirected adverse impacts.
- 23 Sec.504.Effect on State laws.

24 **TITLE VI—MISCELLANEOUS**

- 25 Sec.601.Authorized service area.
- 26 Sec.602.Rescheduled water.
- 27 Sec.603.Fisheries disaster declaration. [PLACEHOLDER]
- 28 Sec.604.Oversight board for Restoration Fund.
- 29 Sec.605.Water operations review panel.
- 30 Sec.606.Contingency in event of continuing resolution for fiscal year 2015.

31

CONFIDENTIAL DRAFT LANGUAGE – DO NOT DISTRIBUTE

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) As established in the Proclamation of a State of Emergency issued by the Governor of
4 the State on January 17, 2014, the State is experiencing record dry conditions;

5 (2) Extremely dry conditions have persisted in the State since 2012, and the drought
6 conditions are likely to persist into the future;

7 (3) As of September 2014, the National Weather Service’s forecast does not show a high
8 likelihood of the State experiencing above-normal precipitation for the remainder of the
9 calendar year;

10 (4) The water supplies of the State are at record-low levels, as indicated by the fact that
11 all major Central Valley Project reservoir levels were at 20-35 percent of capacity as of
12 September 25, 2014;

13 (5) The lack of precipitation has been a significant contributing factor to the 6,091 fires
14 experienced in the State as of September 15, 2014, and which covered nearly 400,000 acres;

15 (6) According to a study released by the University of California, Davis in July 2014, the
16 drought has led to the fallowing of 428,000 acres of farmland, loss of \$810 million in crop
17 revenue, loss of \$203 million in dairy and other livestock value, and increased groundwater
18 pumping costs by \$454 million. The statewide economic costs are estimated to be \$2.2
19 billion, with over 17,000 seasonal and part-time agricultural jobs lost;

20 (7) CVPIA Level II water deliveries to refuges have also been reduced by 25% in the
21 north of Delta region, and by 35% in the south of Delta region;

22 (8) Only one-sixth of the usual acres of rice fields are being flooded this fall, which leads
23 to a significant decline in habitat for migratory birds and an increased risk of disease at the
24 remaining wetlands due to overcrowding of such birds;

25 (9) The drought of 2013 through 2014 constitutes a serious emergency that poses
26 immediate and severe risks to human life and safety and to the environment throughout the
27 State;

28 (10) The serious emergency described in paragraph (4) requires—

29 (A) immediate and credible action that respects the complexity of the water system
30 of the State and the importance of the water system to the entire State; and

31 (B) policies that do not pit stakeholders against one another, which history shows
32 only leads to costly litigation that benefits no one and prevents any real solutions;

33 (11) Federal law (including regulations) directly authorizes expedited decisionmaking
34 procedures and environmental and public review procedures to enable timely and
35 appropriate implementation of actions to respond to the type and severity of the serious
36 emergency described in paragraph (4); and

37 (12) The serious emergency described in paragraph (4) fully satisfies the conditions
38 necessary for the exercise of emergency decisionmaking, analytical, and public review
39 requirements under—

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(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(C) water control management procedures of the Corps of Engineers described in section 222.5 of title 33, Code of Federal Regulations (including successor regulations); and

(D) the Reclamation States Emergency Drought Relief Act of 1991 (Public Law 102–250; 106 Stat. 53).

(13) The 2008 smelt biological opinion and 2009 salmonid biological opinion contain reasonable and prudent alternatives to protect listed fish species from being jeopardized by operation of the Central Valley Project and State Water Project and to prevent adverse modification of designated critical habitat;

(14) The effect of those reasonable and prudent alternatives in the biological opinions may restrict the amount of water pumping that can occur to deliver water for agricultural, municipal, industrial, groundwater, and refuge uses in California;

(15) Data on the difference between water demand and reliable water supplies for various regions south of the delta, including the San Joaquin Valley, indicate there is a significant annual gap between reliable water supplies to meet agricultural, municipal and industrial, groundwater, and refuges water needs within the South of Delta and Friant Division of the Central Valley Project and the State Water Project south of the Sacramento-San Joaquin River Delta and north of the Tehachapi mountain range and the demands of those areas.

This gap varies depending on the methodology of the analysis performed, but can be represented in the following ways:

Commented [A1]: Agencies are verifying the accuracy of the facts within this finding.

(A) For Central Valley Project South-of-Delta water service contractors, if it is assumed that a water supply deficit is the difference in the amount of water available for allocation versus the maximum contract quantity, particularly in more recent years, then the water supply deficits that have developed from 1992 to 2014 as a result of changes besides natural variations in hydrology during this timeframe range between 720,000 and 1,100,000 acre-feet.

(B) For Central Valley Project and State Water Project water service contractors south of the Delta and north of the Tehachapi mountain range, if it is assumed that a water supply deficit is the difference between reliable water supplies, including maximum water contract deliveries, safe yield of groundwater, safe yield of local and surface supplies and long-term contracted water transfers, and water demands, including water demands from agriculture, municipal and industrial and refuge contractors, then the water supply deficit ranges between approximately 2,500,000 to 2,700,000 acre-feet.

(C) The California Water Plan evaluated outcomes under current conditions under 198 combinations of climate and growth scenarios, projecting a range of urban and agricultural reliability into the future. Reliability in this instance is defined as the percentage of years in which demand is sufficiently met by supply. Reliability across a range of futures within the San Joaquin Valley can be presented as:

(i) For the San Joaquin River Hydrologic Region, as defined in the California

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Water Plan:

(I) Urban supply reliability ranges between 90 and 100 percent, with a mean reliability across futures in the high 90th percentile; and

(II) Agricultural supply reliability ranges between 70 and 100 percent, with a mean reliability across futures in the mid-90th percentile.

(ii) For the Tulare Lake Hydrologic Region, as defined in the California Water Plan:

(I) Urban supply reliability ranges between 70 and 100 percent, with a mean reliability across futures in the mid-90th percentile; and

(II) Agricultural supply reliability ranges between 20 and 100 percent, with a mean reliability across futures in the low 70th percentile.

(16) Since the issuance of the biological opinions, recent studies have raised questions about the benefits to endangered salmonid populations from water pumping restrictions, including:

Commented [A2]: Agencies are assessing this finding.

(A) Expert panel reviews have concluded that instantaneous water velocities in the tidal Delta affect juvenile salmonids, not “tidally average” flows, as previously assumed. Based on instantaneous water velocity modeling, water exports have a much smaller area of effect than was previously believed;

(B) Tagging studies conducted since 1993 (representing more than 28 million fish) demonstrate that the proportion of Sacramento Basin origin Chinook salmon entrained into the pumping facilities (including pre-screen losses) are on average less than 1/10 of 1%; and

(C) Telemetry studies of Sacramento Basin and San Joaquin Basin origin juvenile Chinook salmon have not demonstrated any significant adverse effect from water exports on fish survival.

(17) Data of pumping activities at the Central Valley Project and State Water Project delta pumps identifies that, on average from Water Year 2009 to Water Year 2014, pumping activity takes 893 delta smelt annually with an authorized take level of 5,003 delta smelt annually according to the biological opinion issued December 15, 2008.

(18) It is worth exploring whether there is a way to implement the biological opinions that would preserve the protections afforded listed fish and simultaneously increase water deliveries to the Central Valley Project and State Water Project without weakening environmental laws or protections.

(19) In 2014, better information exists than was known in 2008 concerning conditions and operations that may or may not lead to high salvage events that jeopardize the fish populations, and what alternative management actions can be taken to avoid jeopardy.

(20) Alternative management strategies, such as trapping and barging juvenile salmon through the Delta, removing non-native species, enhancing habitat, and monitoring fish movement and location in real-time can contribute significantly to protecting and recovering these endangered fish species, and at potentially lower costs to water supplies.

(21) Resolution of fundamental policy questions concerning the extent to which

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application of the Endangered Species Act affects the operation of the Central Valley Project and State Water Project is the responsibility of Congress.

SEC. 3. DEFINITIONS.

In this Act:

(1) DELTA.—The term “Delta” means the Sacramento-San Joaquin Delta and the Suisun Marsh, as defined in sections 12220 and 29101 of the California Public Resources Code.

(2) Export Pumping Rates.—The term “export pumping rates” means the rates of pumping at the W.C. “Bill” Jones Pumping Plant and the Harvey O. Banks Pumping Plant, in the southern Delta.

~~(3) JEOPARDY.—The term “jeopardy” means to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.~~

~~(34)~~ LISTED FISH SPECIES.—The term “listed fish species” means listed salmonid species and the Delta smelt.

~~(45)~~ LISTED SALMONID SPECIES.—The term “listed salmonid species” means natural origin steelhead, natural origin genetic spring run Chinook, and genetic winter run Chinook salmon.

~~(5) NEGATIVE IMPACT ON THE LONG-TERM SURVIVAL.—The term “negative impact on the long-term survival” means to reduce appreciably the likelihood of the survival of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.~~

(6) OMR.—The term “OMR” means the Old and Middle River in the Delta.

(7) OMR FLOW OF -5000 CFS.—The term “OMR flow of -5000 cfs” means Old and Middle River flow of negative 5,000 cubic feet per second as measured by—

(A) the smelt biological opinion; and

(B) the salmonid biological opinion.

(8) SALMONID BIOLOGICAL OPINION.—The term “salmonid biological opinion” means the biological opinion issued by the National Marine Fisheries Service on June 4, 2009.

(9) SMELT BIOLOGICAL OPINION.—The term “smelt biological opinion” means the biological opinion on the Long-Term Operational Criteria and Plan for coordination of the Central Valley Project and State Water Project issued by the United States Fish and Wildlife Service on December 15, 2008.

(10) STATE.—The term “State” means the State of California.

TITLE I—ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE

SEC. 101. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(2) DELTA SMELT.—The term “~~d~~Delta smelt” means the fish species with the scientific name *Hypomesus transpacificus*.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 102. REVISE INCIDENTAL TAKE LEVEL
CALCULATION FOR DELTA SMELT TO REFLECT NEW
SCIENCE.

No later than October 1, 2015, the Director of Fish and Wildlife Service, in cooperation with other federal, state, and local agencies, shall use the best scientific and commercial data available to complete a review and, if warranted, a modification of the incidental take level in the 2008 delta smelt biological opinion that takes into account, among other considerations,—

- (a) salvage information available over at least 18 years;
- (b) updated or more recently developed statistical models;
- (c) updated scientific and commercial data; and
- (d) the most recent information regarding the environmental factors driving delta smelt salvage.

SEC. 103. FACTORING INCREASED REAL-TIME
MONITORING AND UPDATED SCIENCE INTO DELTA
SMELT MANAGEMENT.

(a) In General.—The reasonable and prudent alternative described in the 2008 delta smelt biological opinion, as amended, and any successor opinions, shall be implemented consistent with current best scientific and commercial data available, and implementation shall be adjusted accordingly as new scientific and commercial data are developed.

(b) Increased Monitoring to Inform Real-time Operations.— ~~Contingent upon funding,~~ ~~The~~ The Secretary shall conduct additional surveys, on an annual basis at the appropriate time of the year based on environmental conditions, in collaboration with other delta science interests.

(1) In implementing this section, after seeking public input, the Secretary shall —

(A) use the most appropriate survey methods for the detection of delta smelt

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1 to determine the extent that adult delta smelt are distributed in relation to certain
2 levels of turbidity, or other environmental factors that may influence salvage
3 rate; and

4 (B) use results from appropriate survey methods for the detection of delta
5 smelt to determine how the Central Valley Project and State Water Project may
6 be operated more efficiently to minimize salvage while maximizing export
7 pumping rates ~~of water export without causing a negative impact on the long-~~
8 term survival of the Delta smelt.

9 (2) During the period beginning on December 1, 2014 and ending March 31, 2015,
10 and in each successive December through March period, if suspended sediment loads
11 enter the Delta from the Sacramento River and the suspended sediment loads appear
12 likely to raise turbidity levels in Old River north of the export pumps from values
13 below 12 Nephelometric Turbidity Units (NTU) to values above 12 NTU, the
14 Secretary shall—

15 (A) conduct daily monitoring using appropriate survey methods at locations
16 including, but not limited to, the vicinity of Station 902 to determine the extent
17 that adult Delta smelt are moving with turbidity toward the export pumps; and

18 (B) use results from the monitoring surveys at locations including, but not
19 limited to, the vicinity of Station 902 to determine how increased trawling can
20 inform daily real-time Central Valley Project and State Water Project operations
21 to minimize salvage while maximizing export pumping rates ~~of water export~~
22 without causing a negative impact on the long-term survival of the Delta smelt.

23 (c) Periodic Review of Monitoring.—At least once every 5 years, or sooner if the
24 Secretary determines it is appropriate, the Secretary shall—

25 (1) evaluate whether the monitoring program under subsection (b), combined with
26 other monitoring programs for the Delta, is providing sufficient data to inform
27 Central Valley Project and State Water Project operations to minimize salvage while
28 maximizing export pumping rates ~~of water export without causing a negative impact~~
29 on the long-term survival of the Delta smelt; and

30 (2) determine whether the monitoring efforts should be changed in the short- or
31 long-term to provide more useful data.

32 (d) Delta Smelt Distribution Study.—

33 (1) IN GENERAL.— No later than January 1, 2016, ~~contingent upon funding, the~~
34 ~~Secretary,~~ in collaboration with Delta science partners, shall implement new targeted
35 sampling and monitoring specifically designed to understand delta smelt abundance,
36 distribution, and the types of habitat occupied by delta smelt during all life stages.

37 (2) SAMPLING.—The Delta smelt distribution study shall, at a minimum—

38 (A) include recording water quality and tidal data;

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(B) be designed to understand delta smelt abundance, distribution, habitat use, and movements throughout the ~~Bay~~ Delta during all seasons;

(C) consider areas not routinely sampled by existing monitoring programs, including wetland channels, near-shore water, depths below 35 feet, and shallow-water; and

(D) use the most biologically appropriate survey methods, including sampling gear suited to the type of sampling or monitoring.

(e) Scientifically supported implementation of Old and Middle River flow requirements.—In implementing the provisions of the smelt biological opinion, or any successor biological opinion, ~~on~~ pertaining to management of reverse flow in the Old and Middle Rivers, the Secretary shall—

(1) consider the relevant provisions of the biological opinion or any successor biological opinion;

(2) manage reverse flow in Old and Middle Rivers as prescribed by the smelt biological opinion, or any successor biological opinion, to minimize water supply reductions for the Central Valley Project and the State Water Project;

(3) document in writing any significant facts about real-time conditions relevant to the determinations of reverse OMR flow rates less negative than -5000 cubic feet per second, including—

(A) whether targeted real-time fish monitoring in Old River pursuant to this section, including monitoring in the vicinity of Station 902, indicates that a significant increase in the salvage of delta smelt is imminent; and

(B) whether near-term forecasts with available salvage models show under prevailing conditions that OMR flow of -5000 cubic feet per second will cause significantly increased take of delta smelt; and

(4) show in writing that any determination to manage OMR reverse flow at rates less negative than -5000 cubic feet per second is necessary to avoid a negative impact on the long-term survival of the Delta smelt, including an explanation of the data examined and the connection between those data and the choice made, after considering:

(A) the findings in paragraph (3);

(B) whether continued project operations over the remainder of the water year would exceed the incidental take level;

(C) the potential effects of entrainment on subsequent smelt abundance, including consideration of the distribution of the population throughout the Delta,

(D) the water temperature,

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(E) other factors relevant to the determination; and

(F) whether any alternative measures could have a lesser water supply impact.

(5) for any subsequent biological opinion, make the showing required in paragraph (4) for any determination to manage OMR reverse flow at rates less negative than the upper limit in the biological opinion if the upper limit in the biological opinion is more negative than -5000 cubic feet per second.

(f) Memorandum of Understanding. No later than December 1, 2014, the Commissioner and the Director will execute a Memorandum of Understanding (MOU) to ensure that the smelt biological opinion is implemented in a manner that minimizes water supply losses while complying with applicable laws and regulations. If that MOU alters any procedures set out in the biological opinion, there will be no need to reinitiate consultation if those changes do not have an adverse effect on listed species and the implementation of the MOU would not be a major change to implementation of the biological opinion. Any change to procedures that does not create a new adverse effect to listed species will not alter application of the take exemption in the incidental take statement in the biological opinion under the Endangered Species Act, section 7(o)(2).

TITLE II—ENSURING SALMONID MANAGEMENT IS RESPONSIVE TO NEW SCIENCE

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANT ADMINISTRATOR.—The term “Assistant Administrator” means the Assistant Administrator of NOAA Fisheries.

(2) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

SEC. 202. REQUIRED SCIENTIFIC STUDIES.

(a) Trap and Barge Pilot Project to Increase Survivals Through the Delta.—The Assistant Administrator and the Commissioner shall, in collaboration with the U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife and other interested parties, design, permit, implement and evaluate a pilot program to test the efficacy of an experimental trap and barge program to improve survival of juvenile salmonids emigrating from the San Joaquin watershed through the Delta, as further described below.

(1) Within 30 days of enactment, the Assistant Administrator shall convene a working group of the relevant agencies and other interested parties through which to develop and execute a plan for the design, budgeting, implementation and evaluation of such a pilot program, utilizing existing expertise on such trap and barge programs as may be available. Such plan shall detail a schedule and budget for the program, and identify the responsible parties for each element of the program.

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(2) The Assistant Administrator shall provide an opportunity for public review and comment on the pilot program and also simultaneously seek an expeditious independent peer review of the program to improve its rigor and likelihood of success.

(3) Upon completion of (2), above, the Assistant Administrator shall complete the necessary design and evaluations of the pilot program and seek such ~~authorizations and permits~~ or other regulatory authorizations as may be required under federal law for its prompt implementation and evaluation by the Assistant Administrator, the Commissioner or such other parties as they determine most suitable.

~~(4) Subject to the availability of funding,~~ The Assistant Administrator and the Commissioner shall seek to commence implementation of the pilot program in 2015 or as soon thereafter as is possible, and shall conduct such pilot for such period of time as needed to evaluate the efficacy of the program to improve survival~~s~~ across a range of environmental conditions.

(5) The Assistant Administrator and the Commissioner shall jointly report annually to the Senate Environment and Public Works Committee and the House Committee on Natural Resources their progress in implementing this section, estimated survival rates through the Delta for both juvenile salmonids that were barged through the Delta and those that were not barged, and if survival rates are significantly higher for barged fish as compared to other outmigrating smolts, the Assistant Administrator's and Commissioner's recommendations regarding broadening the pilot program and any relevant recommendations pursuant to section 203.

(b) Tagging studies.

(1) IN GENERAL.—The Assistant Administrator, in collaboration with other delta science partners, shall implement tagging studies, including acoustic telemetry and PIT tagging studies as appropriate, wherein habitat, predators, flow conditions, or other factors are experimentally altered and the behavior and survival of tagged juvenile salmonids are observed. Studies may also be conducted to aid in the understanding of Chinook salmon and steelhead abundance, distribution, and survival.

(2) SAMPLING.—The sampling—

(A) shall include recording water quality and tidal data;

(B) will be designed to aid in the understanding of salmonid abundance, distribution, and movements throughout the Bay Delta, including estimates of through Delta survival from Knights Landing or from Mossdale to Chipps Island; and

(C) will supplement, not supplant, ongoing acoustic tag and coded wire survival studies in the San Joaquin and Sacramento Rivers which the Assistant Administrator determines are crucial for trend monitoring.

**SEC. 203. PROCESS FOR ENSURING SALMONID
MANAGEMENT IS RESPONSIVE TO NEW SCIENCE.**

(a) General directive. The reasonable and prudent alternative described in the salmonid

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biological opinion allows for and anticipates adjustments in operating criteria to reflect the best scientific and commercial data currently available, and authorizes efforts to test and evaluate improvements in operations that will meet applicable regulatory requirements and enable improvements in water supply reliability. The Commissioner and the Assistant Administrator are hereby directed to utilize these authorities fully as described below.

(b) Annual reviews of certain operating criteria. No later than December 31, 2015, and at least annually thereafter,

(1) The Commissioner, in consultation with and with the assistance of the Assistant Administrator shall ~~commence annual efforts to~~ examine and identify adjustments to the initiation of Action IV.2.3 pertaining to negative OMR flows, subject to paragraph (5).

(2) The Commissioner, in consultation with and with the assistance of the Assistant Administrator, shall examine and identify adjustments in the timing, triggers or other operational details relating to the implementation of pumping restrictions in Action IV.2.1 pertaining to the inflow to export requirements, subject to paragraph (5).

(3) Pursuant to the consultation and assessments carried out under paragraphs (1) and (2) of this subsection, the Commissioner shall make recommendations to the Assistant Administrator on adjustments that, in the exercise of the adaptive management provisions of the salmonid biological opinion, ~~can improve water supplies will reduce water supply impacts of the salmonid biological opinion on the Central Valley Project and the California State Water Project~~ and are consistent with the requirements of applicable law and as further described in subsection (c).

(4) The Commissioner shall implement those adjustments for which the conditions under subsection (c) are met.

(5) The Assistant Administrator and the Commissioner shall review and identify adjustments to water supply restrictions in any successor biological opinion to the salmonid biological opinion, applying the provisions of this section to those water supply restrictions where there are references to Actions IV.2.1 and IV.2.3.

(c) Adjustments that shall be implemented. In ~~receiving reviewing~~ the recommendations under subsection (b), the Assistant Administrator shall evaluate the effects of the recommended adjustments on listed species and shall ~~authorize recommend to the Commissioner~~ adjustments for which:

(1) the net effect on listed species is equivalent to those of the underlying criteria in the salmonid biological opinion, taking into account whatever actions or measures may be implemented in conjunction with the adjustments to mitigate its effects; and

(2) the effects of the adjustment fall within the incidental take authorizations.

(d) ~~Taking into account offsetting species survival benefits from other measures.~~

When examining and identifying opportunities to offset the potential adverse effect of adjustments to operating criteria, the Commissioner and the Assistant Administrator shall take into account the potential species survival improvements that are likely to result from other measures which, if implemented in conjunction with the adjustments, would offset adverse effects, if any, of the adjustments. When evaluating offsetting measures, the Commissioner and the Assistant Administrator shall consider the

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type, timing and nature of the adverse effects, if any, to specific species and ensure that the measures provide equivalent overall benefits to the listed species in the aggregate, as long as the change will not cause a negative impact on the long-term survival of a listed salmonid species, in survival rates for each species remains consistent with the Endangered Species Act and implementing regulations.

~~(1) The offsetting measures could include actions implemented with the support of a substantial contribution from water districts that would benefit from the adjustments.~~

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- (e) Framework for examining opportunities to minimize or offset the potential adverse effect of adjustments to operating criteria.—Not later than December 31, 2015, and every five years thereafter, the Assistant Administrator shall, in collaboration with the Director of the California Department of Fish and Wildlife, based on the best scientific and commercial data available and for each listed salmonid species, issue estimates of the increase in through-Delta survival the Secretary expects to be achieved—

(1) ~~through with~~ restrictions on export ~~pumping rates~~ restrictions as specified by Action IV.2.3 as compared to limiting OMR flow to a fixed rate of -5000 cubic feet per second within the time period Action IV.2.3 is applicable, based on a given rate of San Joaquin River inflow to the Delta and holding other relevant factors constant;

(2) ~~through with~~ San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1 as compared to the ~~export~~ restrictions in the April/May period imposed by the State Water Resources Control Board decision D-1641, based on a given rate of San Joaquin River inflow to the Delta and holding other relevant factors constant;

(3) ~~through by~~ a trap and barge program based on the experience of other systems to the extent they are comparable, and the study described in section 202, as that information becomes available;

(4) through physical habitat restoration improvements;

(5) through predation control programs;

(6) through the instillation of temporary barriers, the management of Cross Channel Gates operations, and other projects affecting flow in the Delta;

(7) ~~through by~~ salvaging fish that may be entrained near the entrance to Clifton Court Forebay; and

(8) ~~through by~~ any other management measures that may provide equivalent or better protections benefits for listed species ~~with improvements to water supplies while maximizing export pumping rates without causing a negative impact on the long-term survival of a listed salmonid species.~~

- (f) Survival estimates ~~to be quantitative to the maximum extent feasible.~~

(1) ~~To the maximum extent feasible, the Assistant Administrator shall make these quantitative estimates of survival, and determinations quantitatively to the maximum extent feasible,~~ such as a range of percentage increases in through-Delta survival that could result from the management measures, and if the scientific information is lacking for quantitative estimates, shall do so on qualitative terms based upon the best available science.

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(2) If the Assistant Administrator provides qualitative survival estimates ~~of the benefits to the for a species resulting~~ from one or more management measures, the Secretary shall, to the maximum extent feasible, rank the management measures described in subsection (e) in terms of their most likely expected contribution to increased through-Delta survival relative to the other measures.

(3) If at the time the Assistant Administrator conducts the analysis under subsection (b), the Secretary has not issued ~~an the estimates~~ of increased through-Delta survival ~~benefits~~ from different management measures pursuant to subsection (e), the Secretary shall compare the ~~protections benefits~~ to the species from different management measures based on the best scientific and commercial data available at the time.

(g) Comparison of adverse consequences for alternative management measures of equal ~~protection for a species benefit to the salmon.~~

(1) For the purposes of this subsection—

(A) The alternative management measure or combination of alternative management measures identified in paragraph (2) shall be known as the “equivalent alternative measure.”

(B) The existing measure or measures identified in subparagraphs (2)(A),(B),(C), or (D) shall be known as the “equivalent existing measure.”

(C) An “equivalent increase in through-Delta survival rates for listed salmonid species” shall mean an increase in through-Delta survival rates that is equivalent when considering the change in through-Delta survival rates for the listed salmonid species in the aggregate, and not ~~necessarily~~ the same change for each individual species, as long as the change in survival rates will not cause a negative impact on the long-term survival of a listed salmonid species. for each species remains consistent with the Endangered Species Act and implementing regulations.

(2) As part of the reviews of operating criteria pursuant to subsection (b), the Assistant Administrator shall determine whether any alternative management measures or combination of alternative management measures listed in subsection (e)(3) through (8) would provide an increase in through-Delta survival rates for listed salmonid species that is equivalent to the increase in through-Delta survival rates for listed salmonid species from the following:

(A) ~~through restrictions on export pumping rates with export restrictions~~ as specified by Action IV.2.3, as compared to limiting OMR flow to a fixed rate of -5000 cubic feet per second within the time period Action IV.2.3 is applicable;

(B) ~~through restrictions on export pumping rates with export restrictions~~ as specified by Action IV.2.3, as compared to a modification of Action IV.2.3 that would provide additional water supplies, other than that described in subparagraph (A);

(C) ~~through with~~ San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1, as compared to the ~~export~~ restrictions in the April/May period imposed by the State Water Resources Control Board decision D-1641, or

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(D) ~~through with~~ San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1, as compared to a modification of Action IV.2.1 that would reduce water supply impacts of the salmonid biological opinion on the Central Valley Project and the California State Water Project, provide additional water supplies, other than that described in subparagraph (C).

(3) If the Assistant Administrator identifies an equivalent alternative measure pursuant to paragraph (2), the Assistant Administrator shall determine whether

(A) it is technically feasible and within federal jurisdiction to implement the equivalent alternative measure, and

(B) the adverse consequences of doing so are less than the adverse consequences of the equivalent existing measure, including a concise evaluation of the adverse consequences to other affected interests.

(4) If the Assistant Administrator makes the findings in subparagraph (3)(A) and (B), the Assistant Administrator and the Commissioner shall adjust the operating criteria in the salmonid biological opinion pursuant to this subsection to implement the equivalent alternative measure in place of the equivalent existing measure in order to increase export rates of pumping-water supplies to the greatest extent possible while maintaining a net combined effect of equivalent through-Delta survival rates for the listed salmonid species.

(h) Tracking adverse effects beyond the range of effects accounted for in the salmonid biological opinion and coordinated operation with smelt biological opinion.

(1) Among the adjustments to the operational criteria considered through the adaptive management process under this section, the Assistant Administrator and the Commissioner shall

(A) Evaluate the effects on listed salmonid species and water supply of the potential adjustment to operational criteria described in subparagraph (B); and

(B) Consider requiring that before some or all of the provisions of Actions IV.2.1. or IV.2.3 are imposed in any specific instance, the Assistant Administrator show that the implementation of these provisions in that specific instance is necessary to avoid a negative impact on the long-term survival of a listed salmonid species, additional adverse effects upon listed salmonid species beyond the range of effects analyzed and accounted for in the salmonid biological opinion

(2) The Assistant Administrator, the Director and the Commissioner, in coordination with State officials as appropriate, shall establish operational criteria to coordinate management of OMR flows under the smelt and salmonid biological opinions, in order to take advantage of opportunities to provide additional water supplies from the coordinated implementation of the biological opinions.

(i) Real-Time Monitoring and Management. The Assistant Administrator and the Commissioner shall, through the NMFS adaptive management salmonid biological opinion provisions, analyze whether date-certain triggers that limit OMR reverse flow to -5000 cubic feet per second could be adjusted to instead use real-time migration information on salmonids. If the analysis shows that the use of real-time information to trigger OMR flow limitations would

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improve water supply without causing significant adverse effects to Winter-run Chinook salmon, then such real-time management triggers shall be implemented.

SEC. 204. PILOT PROGRAM TO PROTECT NATIVE ANADROMOUS FISH IN THE STANISLAUS RIVER.

(a) Establishment of Non-native Predator Fish Removal Program. The Assistant Administrator, in consultation with the United States Fish and Wildlife Service and the California Department of Fish and Wildlife, shall develop and conduct a pilot non-native predator fish removal program to remove non-native striped bass, smallmouth bass, largemouth bass, black bass, and other non-native predator fishes in and around the Bay Delta, including the Stanislaus River, contingent upon funding. The pilot program shall--

(1) be scientifically based;

(2) include methods to quantify the number and size of predator fishes removed each year, the impact of such removal on the overall abundance of predator fishes, and the impact of such removal on the populations of juvenile anadromous fish found in the Stanislaus River and elsewhere by, among other things, evaluating the number of juvenile anadromous fish that migrate past the rotary screw trap located at Caswell;

(3) among other methods, use wire fyke trapping, portable resistance board weirs, and boat electrofishing, which are among the most effective predator collection techniques that minimize effects to native anadromous fish;

(4) be developed, including the application for all necessary scientific research and species enhancement permits under section 10(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)), for the performance of the pilot program, not later than 6 months after the date of the enactment of this Act;

(5) be implemented on the first business day of the calendar year following the issuance of all necessary scientific research, species enhancement permits, and funding needed to begin the pilot program; and

(6) be implemented for a period of seven consecutive calendar years.

(b) Management. The Assistant Administrator is authorized and encouraged to enter into agreements with interested local water districts to jointly develop, implement and evaluate this pilot program. Such parties shall work collaboratively to ensure the performance of the pilot program, and shall discuss and agree upon, among other things, changes in the structure, management, personnel, techniques, strategy, data collection, reporting and conduct of the pilot program.

(c) Conduct.—

(1) IN GENERAL.—By agreement between the Assistant Administrator and the participating districts, the pilot program may be conducted by their own personnel, qualified private contractors hired by the districts, personnel of, on loan to, or otherwise assigned to NOAA Fisheries, or a combination thereof.

(2) PARTICIPATION BY NOAA FISHERIES.—In the event the districts elect to conduct the program using their own personnel or qualified private contractors hired by them, the

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Commissioner has the option to assign an employee of, on loan to, or otherwise assigned to NOAA Fisheries, to be present for all activities performed in the field. Such presence shall ensure compliance with the agreed upon elements specified in subsection (b). The districts shall pay 100 percent of the cost of such participation as specified in subsection (d).

(3) TIMING OF ELECTION.—The districts shall notify the Assistant Administrator of their election on or before October 15 of each calendar year of the pilot program, which election shall apply to the work performed in the subsequent calendar year.

(d) Funding.—

(1) ANNUAL FUNDING.—The Commissioner, the Assistant Administrator, and the participating districts shall develop a budget and funding plan for the pilot project that will allocate costs appropriately amongst the participating entities. On or before December 1 of each year of the pilot program, the Commissioner shall submit to the districts an estimate of the cost to be incurred by the Bureau of Reclamation in the following calendar year, if any, including the cost of any data collection and posting under subsection (e). If an amount equal to the estimate is not provided to the Assistant Administrator by the districts on or before December 31 of each year, (a) NOAA Fisheries shall have no obligation to conduct the pilot program activities otherwise scheduled, and (b) the districts shall be prohibited from conducting any aspect of the pilot program, until full payment is made by the districts.

(2) ACCOUNTING.—On or before September 1 of each calendar year, the Assistant Administrator shall provide an accounting of the prior calendar year's expenses to the participating entities. If the estimate paid by the districts was less than the actual costs incurred by NOAA Fisheries, the districts shall have until September 30 of that calendar year to pay the difference to the fund identified by the Assistant Administrator in subsection (d)(1), or NOAA Fisheries shall have no obligation to conduct the pilot program activities otherwise scheduled. If the estimate paid by the districts was greater than the actual costs incurred by NOAA Fisheries, then a credit shall be provided to the districts, which shall be deducted from the estimate payment the districts must make for the work performed by NOAA Fisheries, if any, in the next calendar year.

(e) Reporting and Evaluation.—

(1) IN GENERAL.—On or before the 15th day of each month, the Assistant Administrator shall post on the website of NOAA Fisheries a tabular summary of the raw data collected in the prior month.

(2) REPORT.—On or before June 30 of the calendar year following the completion of the program, the Assistant Administrator and districts shall jointly submit a report for peer review that—

(A) discusses the findings and conclusions of the pilot program;

(B) synthesizes the data collected under paragraph (1); and

(C) makes recommendations for further study and action.

(f) Permits Process.—

(1) Not later than one year after filing of an application by the Assistant Administrator and the districts, the Secretary of the Interior, the Secretary of Commerce, or both, as

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appropriate, shall issue all necessary scientific research and species enhancement permits under section 10(a)(1) of the Endangered Species Act (16 U.S.C. 153(9)(a)(1)), for the performance of the pilot program.

(2) All permits issued shall be in the name of NOAA Fisheries and the participating districts.

(3) Districts may delegate the authority to administer the permit authority to any qualified private contractor retained in accordance with subsection (c).

(g) Emergency Environmental Reviews.—To expedite this environmentally beneficial program for the conservation of threatened and endangered species, the Secretary of the Interior shall consult with the Council on Environmental Quality in accordance with Section 1506.11 of title 40, Code of Federal Regulations (including successor regulations) to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 for this section.

(h) Definitions.—For the purposes of this section:

(1) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of the Bureau of Reclamation.

(2) DISTRICTS.—The term ‘districts’ means the Oakdale Irrigation District and the South San Joaquin Irrigation District.

(3) PILOT PROGRAM.—The term ‘program’ means the pilot non-native predator removal program established under this section.

(i) Sunset.—The authorities provided under this section shall expire seven years after the implementation of the pilot program.

**SEC. 205. CALFED INVASIVE SPECIES PILOT PROJECTS
IN THE SACRAMENTO-SAN JOAQUIN BAY DELTA AND
ITS TRIBUTARIES.**

(a) FINDINGS.—Congress finds that—

(1) The Sacramento-San Joaquin Bay Delta and its Tributaries-

(A) is one of the largest and most diverse estuaries in the United States,

(B) is a natural treasure and a vital link in California’s water system, and

(C) has native biodiversity important to the ecological and economic systems of California, including water deliveries to agriculture, municipalities and to the environment and fisheries industries, and

(D) has river tributaries important for rearing of salmon and steelhead smolts which experience a high level of predation from non-native species.

(2) Past, present and future introductions of invasive species are and will be a major factor in the decline of native pelagic and anadromous endangered or threatened species in the Sacramento–San Joaquin Bay Delta and its tributaries.

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(3) More than 250 nonnative aquatic and plant species have been introduced into the Delta and its tributaries; of these, at least 185 species have become established and have altered the Sacramento-San Joaquin Bay Delta watershed's ecosystem.

(4) The Bay Delta Conservation Plan, the Recovery Plan for the Evolutionarily Significant Units of Sacramento River Winter-run Chinook Salmon and Central Valley Spring-run Chinook Salmon and the Distinct Population Segment of the Central Valley Steelhead, the Recovery Plan for the Sacramento-San Joaquin Delta Native Fishes, and the multiple 5 year reviews of those plans all highlight that introduced nonnative invasive species are a significant factor in the decline of native fish species. These nonnative species, which include invasive aquatic vegetation, predators, and competitors, directly or indirectly cause biological stress for pelagic and anadromous endangered or threatened fish species in the Sacramento-San Joaquin Bay-Delta and its tributaries.

(5) If threats by nonnative species to native fish species are not addressed, there is a probability that native species of the Sacramento-San Joaquin Bay-Delta watershed's pelagic and anadromous community will go extinct.

(6) The CALFED legislation (Public Law 108-361) authorized a program to prevent, control, and eradicate invasive species, but it has not been implemented to date.

(7) A focused pilot program needs to be conducted within the Delta and river tributaries to reduce threats to native listed species by nonnative species. Reducing nonnative stressors on native listed species will contribute to both native listed species recovery and lowering the impact on downstream water users as those native listed species recover.

(b) PILOT PROJECTS TO IMPLEMENT CALFED INVASIVE SPECIES PROGRAM.

(1) Not later than January 1, 2016, the Secretary of the Interior, in collaboration with the Secretary of Commerce and the Director of the California Department of Fish and Wildlife, shall begin pilot projects to implement the invasive species program, including prevention, control and eradication authorized pursuant to Section 103(d)(6)(A)(iv) of Public Law 108-361. The pilot projects shall:

(A) seek to reduce invasive aquatic vegetation, predators, and other competitors which are major factors in the decline of native listed pelagic and anadromous species that occupy the Sacramento and San Joaquin Rivers and their tributaries and the Sacramento-San Joaquin Bay-Delta; and

(B) address how to remove, reduce, or control the effects of species including: Asiatic clams, silversides, gobies, Brazilian water weed, largemouth bass, smallmouth bass, striped bass, crappie, bluegill, white and channel catfish, and brown bullheads.

(2) The Secretary of the Interior's efforts shall consist of the following phases:

(A) Phase 1. The Secretary of the Interior shall convene a panel of experts, including experts recommended by the State of California, to:

(i) Identify the non-native species having the greatest impact on the viability of native pelagic and anadromous native listed species; and

(ii) Identify the non-native species for which actions to reduce or control the population is determined to be possible; and

Commented [A3]: Awaiting feedback from the agencies on whether the experts in an existing predation workshop would address the items outlined in clauses (i) through (iii) of subparagraph (A) in the proposed text.

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(iii) Design a study to reduce the non-native species identified in clauses (i) and (ii) and prepare a cost estimate to implement this study.

(B) Phase 2. The Secretary of the Interior shall test the general viability of nonnative reduction methods, including either direct predator removal or alteration of channel conditions, or some combination thereof, through pilot projects at multiple sites in addition to the projects on the Stanislaus River pursuant to Section 204, including known hotspots of predator aggregation or activity, such as:

(i) Clifton Court Forebay,

(ii) Central Valley Project intakes,

(iii) Head of Old River,

(iv) Georgiana Slough,

(v) Old and Middle Rivers,

(vi) Franks Tract,

(vii) Paintersville Bridge,

(viii) individual river tributaries important for wild populations of anadromous species listed as threatened or endangered under the Endangered Species Act of 1973,

(ix) Human-made submerged structures, and

(x) Salvage release sites.

(C) Phase 3. If it is feasible to do so, the Secretary of the Interior shall implement nonnative reduction methods at a larger number of sites, incorporating information learned during the first and second phase.

(3) The Secretary of the Interior shall collect data associated with the implementation of the projects above, and shall specifically collect data on the impact on

(A) pelagic and anadromous species listed as threatened or endangered under the Endangered Species Act of 1973,

(B) water quality, and

(C) water supply.

(4) After assessing the data described in subparagraph (2), the Secretary of the Interior, in collaboration with the Secretary of Commerce and the Director of the California Department of Fish and Wildlife, shall, if appropriate, annually recommend revisions to the reasonable and prudent alternatives contained in the salmonid biological opinion and the smelt biological opinion, or other administrative federal requirements governing the operation of the Central Valley Project and the State Water Project, that are likely to produce additional fishery, water quality, and water supply benefits.

(c) IMPLEMENTATION. The Secretary of the Interior shall implement the CALFED program described in subpart (b) for at least a period of seven consecutive years beginning on the date of implementation.

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(d) REPORTING REQUIREMENTS. The Secretary of the Interior shall provide reports to the Senate Committee on Environment and Public Works and the House Committee on Natural Resources on the following:

(1) No later than January 1, 2016, a description of the projects described in subpart (b), including the application for all necessary scientific research and species enhancement permits under section 10(a) (1) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)), and for the performance of the CALFED invasive species Program.

(2) Upon the completion of Phase 1 as described in subsection (b)(1)(A), a report describing its implementation and cost effectiveness.

(3) Two years after the project begins, a report describing the progress of the eradication of the nonnative species in the Sacramento-San Joaquin Bay-Delta and its tributaries and how such efforts have helped the Recovery Plans for endangered and threatened Anadromous and Pelagic Species in the Sacramento-San Joaquin Bay-Delta watershed and the associated cost effectiveness of each control measure.

(4) After the pilot projects are complete, a report describing the results of the program, including recommendations on whether the program should be continued, how the program may be taken to full scale in the most cost effective manner, and how a mitigation program for the Central Valley Project allowable under section 10(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)) could be implemented.

(e) EMERGENCY ENVIRONMENTAL REVIEWS. To expedite this environmentally beneficial program for the conservation of threatened and endangered species, the Secretary of the Interior shall consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (including successor regulations) to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 for this program.

SEC. 206. MARK FISHERY AND HARVEST MANAGEMENT.

To minimize the impact of harvest and project operations on salmonids, contribute to recovery of stocks of endangered or threatened species, improve management of fish stocks of both hatchery and natural origins, and to minimize risk of a natural origin fall Chinook listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Assistant Administrator shall

(1) in partnership with the Director of the California Department of Fish and Wildlife and persons responsible for funding Central Valley hatcheries, convene an independent science panel within 60 days of enactment of this Act to follow up on the 2012 California Hatchery Scientific Review Group's recommendations by providing an assessment of costs and benefits associated with marking, with tagging, and with a program that combines in some way marking and tagging Central Valley hatchery produced fall Chinook. The Assistant Administrator shall ensure that the independent science panel—

(A) Includes an appropriate number of scientific experts as determined and appointed by the Assistant Administrator, and an equal number of scientific experts selected by entities responsible for funding California salmon mitigation hatcheries;

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(B) Considers and gives equal weight to both inland and ocean monitoring and management needs, including harvest.

(C) Completes the review by December 31, 2015.

(2) assess and implement harvest management strategies by October 1, 2018 to provide better protection for sensitive Chinook stocks while still allowing for harvest of hatchery fall Chinook.

SEC. 207. NEW ACTIONS TO BENEFIT CENTRAL VALLEY SALMONIDS.

Not later than March 1, 2016, under similar terms and conditions as successful United States Fish and Wildlife Service programs on Clear Creek and Battle Creek, the Director, in collaboration with the Director of the California Department of Fish and Wildlife, the Commissioner of the Bureau of Reclamation, or both, shall issue necessary permits and otherwise facilitate the deployment of temporary in-river structures—

(1) to protect and grow natural origin spring Chinook populations by blocking access to hatchery origin fall Chinook; and

(2) to prevent hatchery origin Chinook salmon and steelhead from reaching spawning grounds where the species will compete for spawning with natural origin fish listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

TITLE III—OPERATIONAL FLEXIBILITY AND DROUGHT RELIEF

SEC. 301. FINDINGS.

Congress finds that—

(1) Based on the congressional findings in Sec. 2 of this Act, it is appropriate and necessary for federal agencies to exercise the maximum amount of flexibility provided to them under the applicable laws and regulations to maximize delivery of water supplies while providing the same or better levels of protection for species.

SEC. 302. DEFINITIONS.

In this title:

(1) CENTRAL VALLEY PROJECT.—The term “Central Valley Project” has the meaning given the term in section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4707).

(2) KLAMATH PROJECT.—The term “Klamath Project” means the Bureau of Reclamation

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project in the States of California and Oregon, as authorized under the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(3) RECLAMATION PROJECT.—The term “Reclamation Project” means a project constructed pursuant to the authorities of the reclamation laws and whose facilities are wholly or partially located in the State.

(4) SECRETARIES.—The term “Secretaries” means—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Agriculture;

(C) the Secretary of Commerce; and

(D) the Secretary of the Interior.

(5) STATE WATER PROJECT.—The term “State Water Project” means the water project described by California Water Code section 11550 et seq., and operated by the California Department of Water Resources.

SEC. 303. OPERATIONAL FLEXIBILITY IN TIMES OF DROUGHT.

(a) Water Supplies.—

(1) IN GENERAL.—In response to a declaration of a state of drought emergency by the Governor of California and for the period of time such a drought declaration remains in effect, the Secretaries shall provide the maximum quantity of water supplies practicable to Central Valley Project agricultural, municipal and industrial, and refuge service and repayment contractors, State Water Project contractors, and any other tribe, locality or municipality in the State, by approving, consistent with applicable laws (including regulations), projects and operations to provide additional water supplies as quickly as practicable based on available information to address the emergency conditions.

(2) APPLICATION.—Paragraph (1) applies to projects or operations involving the Klamath Project if the projects or operations would benefit Federal water contractors in the State.

(b) Administration.—In carrying out subsection (a), the Secretaries shall, consistent with applicable laws (including regulations)—

(1) issue all necessary permit decisions under the authority of the Secretaries not later than 30 days after the date on which the Secretaries receive a completed application from the State to place and use temporary barriers or operable gates in Delta channels to improve water quantity and quality for the State Water Project and the Central Valley Project south of Delta water contractors and other water users, on the condition that the barriers or operable gates—

(A) provide benefits for species protection and in-Delta water user water quality; and

(B) are designed so that formal consultations under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) are not necessary;

(2) require the Director of the United States Fish and Wildlife Service and the

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Commissioner of Reclamation—

(A) to complete, not later than 30 days after the date on which the Director or the Commissioner receives a complete written request for water transfer associated with voluntarily fallowing nonpermanent crops in the State, all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) necessary to make final permit decisions on the request; and

(B) to grant any water transfer request described in subparagraph (A) to maximize the quantity of water supplies available for nonhabitat uses, on the condition that the fallowing and associated water transfer are in compliance with applicable Federal laws (including regulations);

(3) adopt a 1:1 inflow to export ratio for the increment of increased flow of the San Joaquin River, as measured as a 3-day running average at Vernalis during the period beginning on April 1, and ending on May 31, resulting from voluntary transfers and exchanges of water supplies, on the condition that a proposed transfer or exchange under this paragraph may only proceed if the Secretary of the Interior determines that the environmental effects of the proposed transfer or exchange are consistent with effects permissible under applicable law (including regulations), and Delta conditions are suitable to allow movement of the transfer water through the Delta consistent with Reclamation's permitted rights; and

(4) Provide additional priority for eligible WaterSMART projects that address drought conditions including projects that—

(A) provide emergency drinking and municipal water supplies to localities in a quantity necessary to meet minimum public health and safety needs;

(B) prevent the loss of permanent crops;

(C) minimize economic losses resulting from drought conditions; or

(D) provide innovative water conservation tools and technology for agriculture and urban water use that can have immediate water supply benefits.

(c) Accelerated Project Decision and Elevation.—

(1) IN GENERAL.— On request by the Governor of the State, the heads of Federal agencies shall use the expedited procedures under this subsection to make final decisions relating to a Federal project or operation if the project's or operation's purpose is to provide relief for emergency drought conditions pursuant to subsections (a) and (b).

(2) REQUEST FOR RESOLUTION.—

(A) IN GENERAL.—On request by the Governor of the State, the head of a Federal agency referenced in paragraph (1), or the head of another Federal agency responsible for carrying out a review of a project, as applicable, the Secretary of the Interior shall convene a final project decision meeting with the heads of all relevant Federal agencies to decide whether to approve a project to provide relief for emergency drought conditions.

(B) MEETING.—The Secretary of the Interior shall convene a meeting requested

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under subparagraph (A) not later than 7 days after the date on which the meeting request is received.

(3) NOTIFICATION.—On receipt of a request for a meeting under paragraph (2), the Secretary of the Interior shall notify the heads of all relevant Federal agencies of the request, including information on the project to be reviewed and the date of the meeting.

(4) DECISION.—Not later than 10 days after the date on which a meeting is requested under paragraph (2), the head of the relevant Federal agency shall issue a final decision on the project, subject to subsection (e)(2).

(5) MEETING CONVENED BY SECRETARY.—The Secretary of the Interior may convene a final project decision meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under paragraph (2).

(d) Application.—To the extent that a Federal agency, other than the agencies headed by the Secretaries, has a role in approving projects described in subsections (a) and (b), this section shall apply to those Federal agencies.

(e) Limitation.—Nothing in this section authorizes the heads of applicable Federal agencies to approve projects—

(1) that would otherwise require congressional authorization; or

(2) without following procedures required by applicable law.

(f) 2015 Drought Plan. The Secretaries of Commerce and the Interior, in consultation with appropriate State officials, shall develop a drought operations plan for 2015 that is consistent with the provisions of this section and other provisions of this Act intended to provide additional water supplies that could be of assistance during the current drought.

SEC. 304. OPERATION OF CROSS-CHANNEL GATES.

(a) In General.—The Secretary of Commerce and the Secretary of the Interior shall jointly—

(1) authorize and implement activities to ensure that the Delta Cross Channel Gates remain open to the maximum extent practicable using findings from the United States Geological Survey on diurnal behavior of juvenal salmonids, timed to maximize the peak flood tide period and provide water supply and water quality benefits for the duration of the drought emergency declaration of the State, consistent with operational criteria and monitoring criteria developed pursuant to the Order Approving a Temporary Urgency Change in License and Permit Terms in Response to Drought Conditions of the California State Water Resources Control Board, effective January 31, 2014 (or a successor order) and other authorizations associated with it;

(2) with respect to the operation of the Delta Cross Channel Gates described in paragraph (1), collect data on the impact of that operation on—

(A) species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) water quality; and

(C) water supply;

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(3) consistent with knowledge gained from activities carried out during 2014, collaborate with the California Department of Water Resources to install a deflection barrier at Georgiana Slough in coordination with Delta Cross Channel Gate diurnal operations to protect migrating salmonids;

Commented [A4]: Agencies are investigating the feasibility of diurnal operations.

(4) evaluate the combined salmonid survival in light of activities carried out pursuant to paragraphs (1) through (3) in deciding how to operate the Delta Cross Channel gates to enhance salmonid survival and water supply benefits; and

(5) not later than May 15, 2015, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a written report on the extent to which the gates are able to remain open.

(b) Recommendations.—After assessing the information collected under subsection (a), the Secretary of the Interior shall recommend revisions to the operation of the Delta Cross-Channel Gates, to the Central Valley Project, and to the State Water Project, including, if appropriate, any reasonable and prudent alternative contained in the biological opinion issued by the National Marine Fisheries Service on June 4, 2009, that are likely to produce fishery, water quality, and water supply benefits. The Secretary shall also coordinate with the State Water Resources Control Board to seek consistent direction for the operation of the Delta Cross-Channel Gates under federal and state law, including Water Right Decision 1641.

SEC. 305. FLEXIBILITY FOR EXPORT/INFLOW RATIO.

In response to the declaration of a state of drought emergency by the Governor of California and for the period of time such a drought declaration remains in effect, the Commissioner of the Bureau of Reclamation shall continue to vary the averaging period of the Delta Export/Inflow ratio pursuant to the California State Water Resources Control Board decision D1641, approved in the March Temporary Urgency Change Order—

(1) to operate to a 35 percent Export/Inflow ratio with a 3 day averaging period on the rising limb of a Delta inflow hydrograph; and

(2) to operate to a 14 day averaging period on the falling limb of the Delta inflow hydrograph.

SEC. 306. EMERGENCY ENVIRONMENTAL REVIEWS.

To minimize the time spent carrying out environmental reviews and to deliver water quickly that is needed to address emergency drought conditions in the State during the duration of an emergency drought declaration, the head of each applicable Federal agency shall, in carrying out this Act, consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (including successor regulations), to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) during the emergency.

SEC. 307. PRIORITIZING STATE REVOLVING FUNDS DURING DROUGHTS.

(a) In General.—This section shall apply for each of the fiscal years during which an emergency drought declaration of the State is in effect.

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(b) The Administrator of the Environmental Protection Agency, in implementing the processes and programs under the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), shall, for those projects that are eligible to receive assistance under section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) or section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)),

(1) issue a determination of waivers within 30 days of the conclusion of the informal public comment period pursuant to section 436(c) of title IV of division G of Public Law 113–76; and

(2) authorize, at the request of the State, 40-year financing for assistance under section 603(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)(2)) or section 1452(f)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(f)(2)).

(c) Effect of Section.—Nothing in this section authorizes the Administrator of the Environmental Protection Agency to modify any funding allocation, funding criteria, or other requirement relating to State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for any other State.

SEC. 308. INCREASED FLEXIBILITY FOR REGULAR PROJECT OPERATIONS.

The Secretaries shall, consistent with applicable laws (including regulations)—

(1) to the maximum extent practicable, based on the availability of water and without causing land subsidence or violating water quality standards—

(A) help meet the contract water supply needs of Central Valley Project refuges through the improvement or installation of water conservation measures, water conveyance facilities, and wells to use groundwater resources, on the condition that those activities may only be accomplished by using funding made available under the Water Assistance Program or the WaterSMART program of the Department of the Interior; and

(B) make available to Central Valley Project contractors a quantity of Central Valley Project surface water obtained from the activities carried out under subparagraph (A);

(2) contingent upon funding, in coordination with the Secretary of Agriculture, enter into an agreement with the National Academy of Sciences to conduct a comprehensive study, to be completed not later than 1 year after the date of enactment of this Act, on the effectiveness and environmental impacts of saltcedar biological control efforts on increasing water supplies and improving riparian habitats of the Colorado River and its principal tributaries, in the State and elsewhere;

(3) in coordination with the California Department of Water Resources and the California Department of Fish and Wildlife, implement offsite upstream projects in the Delta and upstream Sacramento River and San Joaquin basins that offset the effects on species listed

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as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) due to activities carried out pursuant this Act, as determined by the Secretaries;

(4) manage reverse flow in the Old and Middle Rivers as prescribed by the biological opinions issued by the United States Fish and Wildlife Service on December 15, 2008, for Delta smelt and by the National Marine Fisheries Service on June 4, 2009, for salmonids, or any successor biological opinions, to minimize water supply reductions for the Central Valley Project and the State Project, and issue guidance no later than December 31, 2015 directing their employees to take all steps necessary to manage flow in accordance with this paragraph;

(5) as soon as practicable after the date of enactment of this Act and pursuant to existing authority available to the Secretary of the Interior, participate in, issue grants, or otherwise provide funding for pilot projects to increase water in reservoirs in regional river basins experiencing extreme, exceptional, or sustained drought that have a direct impact on the water supply of the State, including the Colorado River Basin, on the condition that any participation, grant, or funding by the Secretary of the Interior with respect to the Upper Division shall be with or to the respective State; and

(6) use all available scientific tools to identify any changes to real-time operations of the Bureau of Reclamation, State, and local water projects that could result in the availability of additional water supplies.

**SEC. 309. TEMPORARY OPERATIONAL FLEXIBILITY
FOR FIRST FEW STORMS OF 2015 WATER YEAR.**

(a) Findings:

(1) During the 2014 water year, operations of the Central Valley Project and the State Water Project, the incidental take of adult Delta smelt was zero; of juvenile Delta smelt, 78 (7.7% of the incidental take limit); of winter run chinook, 339 (1.4% of the incidental take limit); of spring run chinook, zero; and of steelhead, 261 (8.7% of the incidental take limit).

(2) The Central Valley Project and State Water Project exceeded a Old and Middle River flow of -5,000 cubic feet per second over a 14-day average for brief periods after three storm events in February and March 2014, as a result of increased pumping, but did not cause substantially increased take of smelt or salmon.

(3) Hydrological conditions in dry years, such as the 2014 water year, have not triggered water pumping restrictions pursuant to the 2008 smelt biological opinion.

(4) The Secretaries should be allowed more flexibility to increase pumping levels without causing significant risk to the listed species or weakening other environmental protections.

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(5) Given California's severe drought conditions, significant groundwater withdrawals for irrigation due to lack of surface water supplies, and the depletion of water supplies in reservoirs, it is imperative that the Secretaries exercise the flexibility provided herein to capture the maximum amount of storm flows when and if they occur in the 2015 water year, and provide for the diversion of those supplies to the Central Valley Project and State Water Project so that farms, businesses, and homes in drought-stricken areas will have an opportunity to bolster their meager supplies when water is available.

(b) In general. Consistent with avoiding additional adverse effects upon listed fish species beyond the range of those authorized under the Endangered Species Act and other environmental protections under subsection (e), the Secretaries shall authorize the Central Valley Project and the State Water Project, combined, to operate at levels that result in Old and Middle River flows at up to -7500 cubic feet per second (based on United States Geological Survey gauges on Old and Middle Rivers) daily average for up to 21 cumulative days after October 1, 2014, as described in subsection (c).

(c) Days of temporary operational flexibility. The temporary operational flexibility described in subsection (b) shall be authorized on days that the California Department of Water Resources determines the daily average river flow of the Sacramento River is at, or above, 17,000 cubic feet per second as measured at the Sacramento River at Freeport gauge maintained by the United States Geologic Survey.

(d) Compliance with ESA authorizations. In carrying out this section, the Secretaries may continue to impose any requirements under the biological opinions during any period of temporary operational flexibility as they determine are reasonably necessary to avoid additional adverse effects on listed fish species beyond the range of those authorized under the Endangered Species Act.

(e) Other environmental protections.

(1) The Secretaries' actions under this section shall be consistent with applicable regulatory requirements under state law, including State Water Resources Control Board Decision 1641, as it may be implemented in any given year;

(2) During the first flush of sediment out the Delta during the 2015 water year, OMR flow may be managed at rates less negative than -5000 cubic feet per second for a minimum duration to avoid movement of adult delta smelt (*Hypomesus transpacificus*) to areas in the southern Delta that would be likely to increase entrainment at Central Valley Project and State Water Project pumping plants;

(3) This section shall not have any effect on the applicable requirements of the salmonid biological opinion from April 1 to May 31, unless the Secretary of Commerce finds that some or all of such applicable requirements may be adjusted during this time period to provide emergency water supply relief without resulting in additional adverse effects beyond those authorized under the Endangered Species Act.

(4) During operations under this section, the Commissioner of Reclamation, in coordination with the Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife, shall undertake a monitoring program and other data gathering to insure take limits levels are not exceeded, and to identify potential negative impacts and actions necessary to mitigate any impacts of the temporary operational

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flexibility to species listed as threatened or endangered under the Endangered Species Act, 16 U.S.C. 1531-1544; and

(5) The Commissioner is authorized to take any action, including the transfer of appropriated funds between accounts that, in the Commissioner's judgment, are necessary to mitigate the impacts of such operations as long as any such mitigation is consistent with the requirements of this section.

(f) Technical adjustments to target period. If, before temporary operational flexibility has been implemented on 21 cumulative days, the Secretaries operate the Central Valley Project and the State Water Project combined at levels that result in Old and Middle River flows less negative than -7500 cubic feet per second during days of temporary operational flexibility as defined in subsection (c), the duration of such operation shall not be counted toward the 21 cumulative days specified in subsection (b).

(g) Emergency consultation; effect on running averages.

(1) If necessary to implement the provisions of this section, the Commissioner shall use the emergency consultation procedures under the Endangered Species Act and its implementing regulation at 50 CFR 402.05 to temporarily adjust the operating criteria under the biological opinions, solely for the 21 days of temporary operational flexibility—

(A) no more than necessary to achieve the purposes of this section consistent with the environmental protections in subsections (d) and (e); and

(B) including, as appropriate, adjustments to ensure that the actual flow rates during the periods of temporary operational flexibility do not count toward the 5-day and 14-day running averages of tidally filtered daily Old and Middle River flow requirements under the biological opinions.

(2) Following the conclusion of the 21 days of temporary operational flexibility, the Commissioner shall not reinitiate consultation on these adjusted operations if the effects on listed fish species of these operations under this section remain within the range of those authorized under the Endangered Species Act.

(h) Level of detail required for analysis. In articulating the determinations required under this section, the Secretaries shall fully satisfy the requirements herein but shall not be expected to provide a greater level of supporting detail for the analysis than feasible to provide within the short time frame permitted for timely decision-making in response to changing conditions in the Delta.

(i) Duration. This section shall expire on September 30, 2015.

SEC. 310. EXPEDITING WATER TRANSFERS.

(a) In General.—Section 3405(a) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4709(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (4) through (6), respectively;

(2) in the matter preceding paragraph (4) (as so designated)—

(A) in the first sentence, by striking "In order to" and inserting the following:

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“(1) IN GENERAL.—In order to”; and

(B) in the second sentence, by striking “Except as provided herein” and inserting the following:

“(3) TERMS.—Except as otherwise provided in this section”; and

(3) by inserting before paragraph (3) (as so designated) the following:

“(2) EXPEDITED TRANSFER OF WATER.—The Secretary shall take all necessary actions to facilitate and expedite transfers of Central Valley Project water in accordance with—

“(A) this Act;

“(B) any other applicable provision of the reclamation laws; and

“(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”;

(4) in paragraph (4) (as so designated)—

(A) in subparagraph (A), by striking “to combination” and inserting “or combination”; and

(B) by striking “3405(a)(2) of this title” each place it appears and inserting “(5)”;

(5) in paragraph (5) (as so designated), by adding at the end the following:

“(E) The contracting district from which the water is coming, the agency, or the Secretary shall determine if a written transfer proposal is complete within 45 days after the date of submission of the proposal. If the contracting district or agency or the Secretary determines that the proposal is incomplete, the district or agency or the Secretary shall state with specificity what must be added to or revised for the proposal to be complete.”; and

(6) in paragraph (6) (as so designated), by striking “3405(a)(1)(A)-(C), (E), (G), (H), (I), (L), and (M) of this title” and inserting “(A) through (C), (E), (G), (H), (I), (L), and (M) of paragraph (4)”.

(b) Conforming Amendments.—The Central Valley Project Improvement Act (Public Law 102–575) is amended—

(1) in section 3407(c)(1) (106 Stat. 4726), by striking “3405(a)(1)(C)” and inserting “3405(a)(4)(C)”;

(2) in section 3408(i)(1) (106 Stat. 4729), by striking “3405(a)(1) (A) and (J) of this title” and inserting “subparagraphs (A) and (J) of section 3405(a)(4)”

SEC. 311. WARREN ACT CONTRACTS.

[To be supplied.]

SEC. 312. ADDITIONAL WARREN ACT CONTRACTS.

[To be supplied.]

TITLE IV—INCREASING WATER STORAGE

SEC. 401. FINDINGS.

Congress finds that—

(1) the record drought conditions being experienced in the State as of the date of enactment of this Act are—

(A) expected to recur in the future; and

(B) likely to do so with increasing frequency;

(2) water storage is an indispensable and integral part of any solution to address the long-term water challenges of the State;

(3) Congress authorized relevant feasibility studies for 4 water storage projects in the State, including projects for—

(A) enlargement of Shasta Dam in Shasta County under section 2(a) of Public Law 96–375 (94 Stat. 1506), as reaffirmed under section 103(d)(1)(A)(i)(I) of Public Law 108–361 (118 Stat. 1684);

(B) enlargement of Los Vaqueros Reservoir in Contra Costa County under section 215 of Public Law 108–7 (117 Stat. 147), as reaffirmed under section 103(d)(1)(A)(i)(II) of Public Law 108–361 (118 Stat. 1684);

(C) construction of North-of-Delta Offstream Storage (Sites Reservoir) in Colusa County under section 215 of Public Law 108–7 (117 Stat. 147), as reaffirmed under section 103(d)(1)(A)(ii)(I) of Public Law 108–361 (118 Stat. 1684); and

(D) construction of the Upper San Joaquin River storage (Temperance Flat) in Fresno and Madera Counties under section 215 of Public Law 108–7 (117 Stat. 147), as reaffirmed under section 103(d)(1)(A)(ii)(II) of Public Law 108–361 (118 Stat. 1684);

(4) (A) as of the date of enactment of this Act, it has been more than 10 years since the authorization of the feasibility studies referred to in paragraph (3); but

(B) complete and final feasibility studies have not been prepared for any of those water storage projects;

(5) as of August 2014, only 2 of the 4 projects referred to in paragraph (3) have completed draft feasibility studies;

(6) the slow pace of work on completion of the feasibility studies for those 4 water storage projects is—

(A) unjustified; and

(B) of deep concern; and

(7) there is significant public interest in, and urgency with respect to, completing all feasibility studies and environmental reviews for the water storage projects referred to in paragraph (3), given the critical need for that infrastructure to address the water challenges of the State.

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SEC. 402. CALFED STORAGE FEASIBILITY STUDIES.

(a) In General.—Notwithstanding subparagraph (B)(i) of section 103(d)(1) of Public Law 108–361 (118 Stat. 1684), the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this title as the “Secretary”), shall complete a final feasibility study and any other applicable environmental review documents for the project described in—

(1) subparagraph (A)(i)(I) of that section by not later than December 31, 2014;

(2) subparagraph (A)(ii)(II) of that section by not later than July 31, 2015.

(b) Environmental Reviews.—In carrying out subsection (a), the Secretary—

(1) shall ensure that—

(A) all applicable reviews, including reviews required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), are completed as expeditiously as practicable; and

(B) the shortest applicable process under that Act is used, including in the completion of—

(i) feasibility studies;

(ii) draft environmental impact statements; and

(iii) final environmental impact statements; and

(2) shall not be required to complete a draft or final environmental impact statement if the Commissioner of Reclamation determines, and the Secretary concurs, that the project fails to meet applicable Federal cost-benefit requirements or standards.

(c) Accountability.—

(1) If the Bureau of Reclamation determines that an environmental review document for the water storage projects referenced in of Section 103(d)(1) of P.L. 108-361 will not be completed according to the schedule specified in subsection (a), the Bureau shall notify the Senate Committee on Energy and Natural Resources, the Senate Appropriations Subcommittee on Energy and Water Development, and the House of Representatives Transportation and Infrastructure Committee within 14 days of the determination. The notification shall include:

(A) An explanation of the delay;

(B) The anticipated length of the delay and the revised completion date;

(C) The steps that the Bureau will take to mitigate the delay, including, but not limited to, a request to reprogram existing funds appropriated to the Bureau to meet the revised completion deadline.

(2) The Bureau of Reclamation shall carry out the procedures in subsection (a) for each subsequent delay beyond the revised completion deadline.

SEC. 403. WATER STORAGE PROJECT CONSTRUCTION.

(a) The Secretary, acting through the Commissioner of the Bureau of Reclamation, may partner or enter into an agreement on the water storage projects identified in section 103(d)(1) of

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the Water Supply Reliability and Environmental Improvement Act (Public Law 108-361) (and Acts supplemental and amendatory to the Act) with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments within the applicable hydrologic region, to advance those projects.

(b) [PLACEHOLDER FOR AUTHORIZATION ISSUE]

SEC. 404. OTHER STORAGE FEASIBILITY STUDIES.

(a) Definition of Qualifying Project.—In this section, the term “qualifying project” means new surface water storage projects constructed on lands administered by the Department of the Interior in a State in which the Bureau of Reclamation has jurisdiction, exclusive of any easement, right-of-way, lease, or any private holding.

(b) Lead Agency.—

(1) QUALIFYING PROJECTS WITHIN JURISDICTION OF BUREAU OF RECLAMATION.—The Bureau of Reclamation shall serve as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, and other approvals or decisions required under Federal law (including regulations) to construct qualifying projects within the jurisdiction of the Bureau.

(2) QUALIFYING PROJECTS OUTSIDE JURISDICTION OF BUREAU OF RECLAMATION.—If the site of a qualifying project is not located in a State in which the Bureau of Reclamation has jurisdiction, the Secretary shall, by not later than 45 days after the date of receipt of an application for the qualifying project—

(A) designate an alternate agency within the Department of the Interior to serve as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, and other approvals or decisions required under Federal law (including regulations) to construct the qualifying project; or

(B) in consultation with the heads of other Federal departments and agencies, identify the appropriate lead agency for the qualifying project.

(c) Cooperating Agencies.—

(1) FEDERAL DEPARTMENTS AND AGENCIES.—The lead agency designated under paragraph (1) or (2) of subsection (b) shall—

(A) as soon as practicable after receipt of an application for a qualifying project, identify any Federal department or agency that may have jurisdiction over a review, permit, license, approval, or decision required for the qualifying project under applicable Federal laws (including regulations); and

(B) as soon as practicable after the date of identification under subparagraph (A)—

(i) notify each applicable department or agency of the identification; and

(ii) designate the department or agency as a cooperating agency, unless the department or agency—

(I) has no jurisdiction or authority with respect to the qualifying project;

(II) has no expertise or information relevant to the qualifying project or

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any review, permit, license, approval, or decision associated with the qualifying project; or

(III) does not intend—

(aa) to submit comments regarding the qualifying project; or

(bb) to conduct any review of the qualifying project or make any decision with respect to the qualifying project in a manner other than in cooperation with the Bureau of Reclamation.

(2) STATES.—A State in which a qualifying project is proposed to be carried out may elect, consistent with Federal and State law, to participate as a cooperating agency, if the lead agency designated for the proposed qualifying project under paragraph (1) or (2) of subsection (b) determines that the applicable agency of the State—

(A) has jurisdiction over the qualifying project under applicable Federal or State law;

(B) is required to conduct or issue a review of the qualifying project; and

(C) is required to make a determination regarding issuing a permit, license, or approval of the qualifying project.

(d) Duties of Lead Agency.—

(1) IN GENERAL.—Not later than 30 days after the date of receipt of an application for approval of a qualifying project, the lead agency shall hold a meeting among the applicant, the lead agency, and all cooperating agencies to establish, with respect to the qualifying project, all applicable—

(A) requirements;

(B) review processes; and

(C) stakeholder responsibilities.

(2) SCHEDULE.—

(A) ESTABLISHMENT.—Not later than 30 days after the date of the meeting under paragraph (1), the lead agency, in consultation with the attendees of the meeting, shall establish a schedule for completion of the qualifying project, taking into consideration, among other relevant factors—

(i) the responsibilities of cooperating agencies under applicable laws and regulations;

(ii) the resources available to the cooperating agencies and non-Federal project stakeholders;

(iii) the overall size and complexity of the qualifying project;

(iv) the overall schedule for, and cost of, the qualifying project; and

(v) the sensitivity of the natural and historic resources that may be affected by the qualifying project.

(B) REQUIREMENTS.—On establishment of a schedule for a qualifying project under

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subparagraph (A), the lead and cooperating agencies shall—

(i) to the maximum extent practicable, adhere to the schedule; and

(ii) submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives on a semiannual basis a report describing any delays in the schedule, including a description of—

(I) the reasons for the delay;

(II) the actions that the lead and cooperating agencies will take to minimize the delay; and

(III) a revised schedule for the qualifying project, if applicable.

(e) Environmental Reviews.—

(1) SINGLE, UNIFIED ENVIRONMENTAL REVIEW DOCUMENT.—

(A) IN GENERAL.—The lead agency with respect to a qualifying project, in consultation with appropriate stakeholders and cooperating agencies, shall determine whether a single, unified environmental review document relating to the qualifying project is sufficient to comply with applicable Federal laws (including regulations), including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) ACTION ON DECLINATION.—If, after consultation under subparagraph (A), a lead agency determines not to adopt a single, unified environmental review document relating to a qualifying project—

(i) the lead agency shall—

(I) document the reasons for the determination; and

(II) submit to the Secretary a report describing those reasons; and

(ii) the Secretary may require the adoption of a single, unified document at the discretion of the Secretary, based on good cause.

(2) ENVIRONMENTAL ASSESSMENT.—Except as provided under paragraph (4), if the lead agency with respect to a qualifying project, in consultation with cooperating agencies, determines that an environmental assessment is sufficient to comply with the requirements of this subsection and other applicable Federal laws (including regulations)—

(A) the public comment period for a draft environmental assessment shall be no more than 60 days after publication in the Federal Register of notice of the public issuance of that draft; and

(B) the lead agency shall issue the final environmental assessment by not later than 180 days after the end of the period for public comments on the draft environmental assessment.

(3) ENVIRONMENTAL IMPACT STATEMENT.— Except as provided under paragraph (4), if the lead agency with respect to a qualifying project, in consultation with cooperating agencies, determines that an environmental impact statement is required to comply with the requirements of this subsection and other applicable Federal laws (including regulations)—

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(A) the public comment period for a draft environmental impact statement shall be no more than 60 days after publication in the Federal Register of notice of the public issuance of that draft; and

(B) the lead agency shall issue the final environmental impact statement by not later than 1 year after the end of the period for public comments on the draft environmental impact statement.

(4) MODIFICATION OF SCHEDULE.—In carrying out paragraphs (2) and (3),

(A) the lead agency with respect to a qualifying project may modify the schedule of the qualifying project if:

(i) the Federal lead agency can demonstrate good cause, such as the need for additional time to comply with other statutory or regulatory requirements other than the National Environmental Policy Act of 1969, and the head of that agency submits to Congress a written determination describing the cause and reasons for the modification no less than 30 days before the original scheduled deadline; or

(ii) the Federal lead agency, the project sponsor, the joint lead agency (as applicable), and all participating and cooperating agencies agree to such modification.

(B) no modification pursuant to subparagraph (4)(A) shall postpone the issuance of a final environmental assessment by more than 1 year, or a final environmental impact statement by more than 2 years, unless the conditions under (4)(A)(i) or (4)(A)(ii) are met.

(C) If a modification occurs pursuant to this paragraph, the Federal lead agency shall issue and adhere to the revised schedule unless the conditions under (4)(A)(i) or (4)(A)(ii) are met.

(5) REQUIREMENTS.—On commencement of the environmental review process under this subsection, the lead and cooperating agencies shall, as soon as practicable—

(A) make available to all stakeholders of the qualifying project information regarding—

(i) the environmental and socioeconomic resources located within the area of the qualifying project; and

(ii) the general locations of the alternatives under consideration; and

(B) identify any issues of concern regarding the potential environmental or socioeconomic effects of the qualifying project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for a study relating to the qualifying project.

(f) Concurrent Review Actions.—

(1) IN GENERAL.—Any review, analysis, permit, license, approval, or decision regarding a qualifying project made by a Federal, State, or local government agency shall be—

(A) conducted, to the maximum extent practicable, concurrently with any other applicable government agency; and

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(B) incorporated in the schedule for the qualifying project under subsection (d)(2).

(2) REQUIREMENT.—The lead and cooperating agencies for a qualifying project shall formulate and implement administrative, policy, and procedural mechanisms to enable adherence to the schedule for the qualifying project in a timely, coordinated, and environmentally responsible manner.

(3) GUIDANCE.—The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that, to the maximum extent practicable—

(A) eliminates repetitive discussions of the same issues;

(B) focuses on the actual issues ripe for analysis at each level of review;

(C) establishes a formal process for coordinating with participating and cooperating agencies, including the establishment of a list of all data required to carry out an environmental review process; and

(D) complies with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and all other applicable laws and regulations.

(g) Administrative Record and Data Management.—

(1) IN GENERAL.—The lead agency shall—

(A) be responsible for compiling the administrative record of the information used as the basis for decisions relating to a qualifying project; and

(B) to the maximum extent practicable and consistent with Federal law, make available all data regarding the qualifying project in a format that is accessible via electronic means for project stakeholders, cooperating agencies, and the public.

(2) REPORTS.—Not less frequently than once each year, the lead agency shall submit a progress report regarding a qualifying project to project stakeholders, cooperating agencies, the Committee on Environment and Public Works of the Senate, and the Committee on Natural Resources of the House of Representatives.

(h) Participation by Non-Federal Project Sponsors.—

(1) APPLICATION TO SERVE AS COOPERATING AGENCY.—A non-Federal sponsor of a qualifying project may submit to the lead Secretary an application to serve as a cooperating agency of the qualifying project for purposes of preparing any necessary documents relating to the qualifying project, including an environmental review, if—

(A) the non-Federal sponsor is a public agency as defined under the laws of the state in which the agency is located;

(B) the non-Federal sponsor agrees to adhere to—

(i) all required Federal laws (including regulations) in carrying out the qualifying project; and

(ii) all decisions regarding the qualifying project that have been agreed on by other stakeholders of the qualifying project; and

(C) the applicable lead agency certifies that participation by the non-Federal sponsor

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will not inappropriately bias the qualifying project in favor of the non-Federal sponsor.

(2) FUNDS.—Any funds contributed by a non-Federal sponsor to a qualifying project—

(A) may be accepted to maintain or accelerate progress on the qualifying project, subject to the condition that the Secretary shall—

(i) review the use of the funds; and

(ii) certify in writing that the funds—

(I) are used solely to complete applicable environmental reviews; and

(II) do not unduly influence any permit or approval decision regarding the qualifying project; and

(B) shall be applied toward the non-Federal cost-share of the qualifying project.

(i) Applicability to Calfed Storage Studies.—For any feasibility study referred to in section 401(3), this section shall apply to all activities to be carried out under the study on or after the date of enactment of this Act that would lead to congressional authorization of an applicable project for construction.

SEC. 405. DAM SAFETY PROJECTS WITH INCREASED STORAGE COMPONENT.

(a) Additional Project Benefits.—The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 3 (43 U.S.C. 507), by striking “Construction” and inserting “Except as provided in section 5B, construction”; and

(2) by inserting after section 5A (43 U.S.C. 509a) the following:

“SEC. 5B. ADDITIONAL PROJECT BENEFITS.

“(a) In General.—Notwithstanding section 3, if the Secretary, in the judgment of the Secretary, makes a determination described in subsection (b), the Secretary is authorized to develop any additional project benefit—

“(1) through the construction of new or supplementary works on a project in conjunction with the activities carried out by the Secretary pursuant to section 2; and

“(2) subject to the conditions described in the feasibility study relating to the project.

“(b) Description of Determination.—A determination referred to in subsection (a) is a determination by the Secretary that—

“(1) an additional project benefit, including but not limited to additional conservation storage capacity, is—

“(A) necessary; and

“(B) in the interests of the United States; and

“(2) the project benefit proposed to be carried out is—

“(A) feasible; and

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“(B) not inconsistent with the purposes of this Act.

“(c) Requirements.—The costs associated with developing an additional project benefit under this section shall be—

“(1) allocated to entity or entities benefitting from the additional conservation storage capacity, subject to agreement between the state and federal funding agencies on such allocations; and

“(2) repaid in accordance with all applicable provisions of Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).”.

(b) San Luis Reservoir Expansion.—Section 103(f)(1)(A) of Public Law 108–361 (118 Stat. 1694) is amended—

(1) by striking “Funds” and inserting the following:

“(i) IN GENERAL.—Funds”; and

(2) by adding at the end the following:

“(ii) ENVIRONMENTAL REVIEWS AND FEASIBILITY STUDY.—The Commissioner of Reclamation shall submit to Congress—

“(I) an expansion draft environmental impact statement and feasibility study relating to the San Luis Reservoir by not later than April 1, 2016; and

“(II) a final environmental impact statement relating to the San Luis Reservoir by not later than December 31, 2016.”.

**SEC. 406. UPDATING WATER OPERATIONS MANUALS
FOR NON-FEDERAL PROJECTS.**

(a) Definitions.—In this section:

(1) NON-FEDERAL PROJECT.—

(A) IN GENERAL.—The term “non-Federal project” means a non-Federal reservoir project operated for flood control in accordance with rules prescribed by the Secretary pursuant to section 7 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 890, chapter 665).

(B) EXCLUSION.—The term “non-Federal project” does not include any dam or reservoir owned by—

(i) the Bureau of Reclamation; or

(ii) the Corps of Engineers.

(2) OWNER.—The term “owner” with respect to a non-Federal project, does not include—

(A) the Secretary;

(B) the Secretary of the Interior; or

(C) the head of any other Federal department or agency, notwithstanding any

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Federal monetary contribution made toward the construction cost of the relevant non-Federal project, if the contribution is predicated on flood control or other specific benefit.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Army.

(b) Review by Secretary.—

(1) IN GENERAL.—Not later than 1 year after the date of receipt of a request from the owner of a non-Federal project, the Secretary, in consultation with the owner, shall review the water control manual and flood control rule curves and any operational or structural modifications proposed by the owner, including the use of improved weather forecasting and run-off forecasting methods, to enhance the existing purposes of the non-Federal project.

(2) REPORT.—Not later than 90 days after the date of completion of a review under paragraph (1), the Secretary shall submit to the owner of the applicable non-Federal project a report describing the results of the review.

(3) PRIORITY.—In carrying out of this subsection, the Secretary shall give priority to review and revision of water control manuals and flood control rule curves for any non-Federal project—

(A) that is located in a State in which a drought emergency has been declared during the 1-year period ending on the date of review by the Secretary;

(B) the owner of which has submitted to the Secretary a formal request to review or revise the operations manual or rule curves to accommodate new watershed data or proposed project modifications or operational changes;

(C) the water control manual and hydrometeorological information establishing the flood control rule curves of which have not been revised during the 20-year period ending on the date of review by the Secretary;

(D) with respect to which a completed probable maximum flood analysis or other data indicates that revisions of the project control manual or rule curves are likely to enhance water supply benefits and flood control operations; and

(E) modifications or operational changes proposed by the owner of which are likely to enhance water supply benefits and flood control operations.

(4) NON-FEDERAL CONTRIBUTIONS.—The Secretary may accept non-Federal funds for all or a portion of the cost of carrying out a review or revision of water control manuals and rule curves for non-Federal projects under this subsection.

SEC. 407. CENTRAL VALLEY PROJECT.

(a) Cooperative Agreements.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, to determine the feasibility of an agreement for long-term use of an existing or expanded non-Federal storage or conveyance facility to augment Federal water supply, ecosystem, and operational flexibility benefits, the Secretary shall offer to enter into cooperative agreements with non-Federal entities to provide replacement water supplies for drought relief for—

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(A) contractors of the Central Valley Project (as defined in section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706));

(B) units of the National Wildlife Refuge System;

(C) State wildlife areas; and

(D) private wetland areas.

(2) REQUIREMENTS.—A cooperative agreement under this subsection shall—

(A) include the purchase of storage capacity in non-Federal facilities from willing sellers; and

(B) provide reimbursement for the temporary use of available capacity in existing above-ground, off-stream storage and associated conveyance facilities owned by local water agencies.

(b) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Chief of the National Wildlife Refuge System and contractors of the Central Valley Project a report describing the feasibility of the agreement for long-term use described in subsection (a)(1).

TITLE V—WATER RIGHTS PROTECTIONS

SEC. 501. PROTECTIONS FOR STATE WATER PROJECT CONTRACTORS.

If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(a) revokes the consistency determination pursuant to California Fish and Game Code section 2080.1;

(b) amends or issues a new consistency determination pursuant to California Fish and Game Code section 2080.1 in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion; or

(c) requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion,

then, the water supply benefits of such action by the California Department of Fish and Wildlife accruing to the Central Valley Project, if any, shall be shared equally with the State Water Project.

SEC. 502. AREA OF ORIGIN PROTECTIONS.

(a) The Secretary of the Interior (Secretary) is directed in the operation of the Central Valley Project (CVP) to adhere to California's water rights laws governing water rights priorities by honoring water rights senior to those held by the United States for operation of the CVP, regardless of the source of priority, including any appropriative water rights initiated prior to

Commented [A5]: The agencies have not had a chance to fully analyze this Title. We expect the House to provide further suggestions, and we will seek the agencies' technical feedback on the entire title with the House's suggestions included.

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December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2. Article 1.7 (commencing with section 1215 of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462 and 11463, and Sections 12200 to 12220, inclusive).

(b) Any action that requires that diversions be bypassed or that involves the release of water from any CVP water storage facility taken by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.) shall be applied in a manner that is consistent with water rights priorities established by California law.

SEC. 503. NO REDIRECTED ADVERSE IMPACTS.

The Secretary shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this Act, including, but not limited to, such actions under the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) and other federal laws, shall not cause redirected adverse water supply or fiscal impacts to those within the Sacramento River Watershed or the State Water Project.

SEC. 504. EFFECT ON STATE LAWS.

Nothing in this Act preempts any State law in effect on the date of enactment of this Act, including area of origin and other water rights protections.

TITLE VI—MISCELLANEOUS

SEC. 601. AUTHORIZED SERVICE AREA.

(a) In General.—The authorized service area of the Central Valley Project authorized under the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) shall include the area within the boundaries of the Kettleman City Community Services District, California, as in existence on the date of enactment of this Act.

(b) Long-term Contract.—

(1) IN GENERAL.—Notwithstanding the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) and subject to paragraph (2), the Secretary of the Interior, in accordance with the reclamation laws, shall enter into a long-term contract with the Kettleman City Community Services District, California, under terms and conditions mutually agreeable to the parties, for the delivery of up to 900 acre-feet of Central Valley Project water for municipal and industrial use.

(2) LIMITATION.—Central Valley Project water deliveries authorized under the contract entered into under paragraph (1) shall be limited to the minimal quantity necessary to meet the immediate needs of the Kettleman City Community Services District, California, in the event that local supplies or State Water Project allocations are insufficient to meet those needs.

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(c) Permit.—The Secretary shall apply for a permit with the State for a joint place of use for water deliveries authorized under the contract entered into under subsection (b) with respect to the expanded service area under subsection (a), consistent with State law.

(d) Additional Costs.—If any additional infrastructure, water treatment, or related costs are needed to implement this section, those costs shall be the responsibility of the non-Federal entity.

SEC. 602. RESCHEDULED WATER.

(a) In General.—In connection with operations of the Central Valley Project, California, if the San Luis Reservoir does not fill by the last day of February of any year, the Secretary of the Interior shall permit any entity with an agricultural water service or repayment contract for the delivery of water from the Delta Division or the San Luis Unit to reschedule into the immediately following contract year (March 1 through the last day of February) any unused Central Valley Project water previously allocated for irrigation purposes.

(b) Apportionment.—If water remaining in Federal storage in San Luis Reservoir on the last day of February of any year is insufficient to meet all rescheduling requests under subsection (a), the Secretary of the Interior shall, based on contract quantity, apportion among all contractors that request to reschedule water all water remaining in San Luis Reservoir on the last day of February of the applicable year.

(c) Availability of Additional Water.—The Secretary shall make all reasonable efforts to make available additional rescheduled water, if the efforts do not interfere with the Central Valley Project operations in the contract year for which Central Valley Project water has been rescheduled.

SEC. 603. FISHERIES DISASTER DECLARATION.

[TO BE SUPPLIED.]

SEC. 604. OVERSIGHT BOARD FOR RESTORATION FUND.

(a) Report; Advisory Board.—Section 3407 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4726) is amended by adding at the end the following:

“(g) Report on Expenditure of Funds.—

“(1) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the Advisory Board, shall submit to Congress a plan for the expenditure of all of the funds deposited into the Restoration Fund during the preceding fiscal year.

“(2) CONTENTS.—The plan shall include an analysis of the cost-effectiveness of each expenditure.

“(h) Advisory Board.—

“(1) ESTABLISHMENT.—There is established the Restoration Fund Advisory Board (referred to in this section as the ‘Advisory Board’), which shall be composed of 14 members appointed by the Secretary.

“(2) MEMBERSHIP.—

Commented [A6]: The agencies are still reviewing the contents of this section. We anticipate the House will provide further suggestions, and we intend to seek the agencies' technical feedback on this language as modified by the House's suggestions.

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1 “(A) IN GENERAL.—The Secretary shall appoint members to the Advisory Board that
2 represent the various Central Valley Project stakeholders, of whom—

3 “(i) 3 members shall be agricultural users of the Central Valley Project;

4 “(ii) 2 members shall be municipal and industrial users of the Central Valley
5 Project;

6 “(iii) 3 members shall be power contractors of the Central Valley Project;

7 “(iv) 1 member shall be a representative of a federal wildlife refuge that
8 contracts for Central Valley Project water supplies with the Bureau of
9 Reclamation;

10 “(v) 1 member shall represent nongovernmental organizations involved in the
11 protection and restoration of California fisheries;

12 “(vi) 1 member shall represent the commercial fishing industry;

13 “(vii) 1 member shall represent the recreational fishing industry; and

14 “(viii) 2 members shall be appointed at the discretion of the Secretary.

15 “(B) OBSERVER.—The Secretary and the Secretary of Commerce may each
16 designate a representative to act as an observer of the Advisory Board.

17 “(C) CHAIRMAN.—The Secretary shall appoint 1 of the members described in
18 subparagraph (A) to serve as Chairman of the Advisory Board.

19 “(3) TERMS.—The term of each member of the Advisory Board shall be 4 years.

20 “(4) DATE OF APPOINTMENTS.—The appointment of a member of the Panel shall be made
21 not later than—

22 (A) the date that is 120 days after the date of enactment of this Act; or

23 (B) in the case of a vacancy on the Panel described in subsection (c)(2), the date
24 that is 120 days after the date on which the vacancy occurs.

25 “(5) Vacancies.—

26 (A) IN GENERAL.—A vacancy on the Panel shall be filled in the manner in which
27 the original appointment was made and shall be subject to any conditions that applied
28 with respect to the original appointment.

29 (B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be
30 appointed for the unexpired term of the member replaced.

31 (C) EXPIRATION OF TERMS.—The term of any member shall not expire before the
32 date on which the successor of the member takes office.

33 “(6) Removal —A Member of the Panel may be removed from office by the Secretary of
34 the Interior.

35 “(7) Federal Advisory Committee Act. —The Panel shall not be subject to the
36 requirements of the Federal Advisory Committee Act.

37 “(8) DUTIES.—The duties of the Advisory Board are—

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1 “(A) to meet not less frequently than semiannually to develop and make
2 recommendations to the Secretary regarding priorities and spending levels on projects
3 and programs carried out under this title;

4 “(B) to ensure that any advice given or recommendation made by the Advisory
5 Board reflects the independent judgment of the Advisory Board;

6 “(C) not later than December 31, 2015, and annually thereafter, to submit to the
7 Secretary and Congress the recommendations under subparagraph (A); and

8 “(D) not later than December 31, 2015, and biennially thereafter, to submit to
9 Congress a report that details the progress made in achieving the actions required
10 under section 3406.

11 “(9) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory
12 Board may use the facilities and services of any Federal agency.”

13 “(10) Cooperation and Assistance.—

14 (A) Upon request of the Panel Chairperson for information or assistance to facilitate
15 the carrying out of this section, the Secretary of the Interior shall promptly provide such
16 information, unless otherwise prohibited by law.

17 (B) Space and Assistance.—The Secretary of the Interior shall provide the Panel
18 with appropriate and adequate office space, together with such equipment, office
19 supplies, and communications facilities and services as may be necessary for the
20 operation of the Panel, and shall provide necessary maintenance services for such
21 offices and the equipment and facilities located therein.

22 **SEC. 605. WATER OPERATIONS REVIEW PANEL.**

23 (a) Establishment.—There is established a panel to be known as the “Water Operations
24 Review Panel”.

25 (b) Membership.—

26 (1) COMPOSITION.—The Panel shall be composed of 5 members appointed by the
27 Secretary of the Interior, in consultation with the Secretary of Commerce, of whom—

28 (A) 1 member shall be a former State elected official, who shall be the Chairperson
29 of the Panel;

30 (B) 2 members shall be fisheries biologists, of whom—

31 (i) 1 member shall have expertise in Delta smelt; and

32 (ii) 1 member shall have expertise in salmonids; and

33 (C) 2 members shall be engineers with substantial expertise in water operations.

34 (2) RECOMMENDATIONS. —The Secretary of the Interior shall consider the
35 recommendations

36 (A) of the Governor of the State for the member appointed under subparagraph (1)(A);

37 (B) of the Director of the California Department of Water Resources for one of the
38 members appointed under subparagraph (1)(C).

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(3) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—For at least three years prior to appointment to the Panel, an individual appointed to the Panel under paragraph (1) shall not have been an employee of the Federal Government.

(4) DATE OF APPOINTMENTS.—The appointment of a member of the Panel shall be made not later than—

(A) the date that is 120 days after the date of enactment of this Act; or

(B) in the case of a vacancy on the Panel described in subsection (c)(2), the date that is 120 days after the date on which the vacancy occurs.

(c) Term; Vacancies.—

(1) TERMS.—A member of the Panel shall be appointed for a term of 3 years, except that, with respect to the members first appointed under this section—

(A) the Chairperson shall be appointed for a term of 3 years;

(B) of the members appointed under subsection (b)(1)(B)—

(i) 1 member shall be appointed for a term of 1 year; and

(iii) 1 member shall be appointed for a term of 2 years;

(C) of the members appointed under subsection (b)(1)(C)—

(i) 1 member shall be appointed for a term of 1 year; and

(ii) 1 member shall be appointed for a term of 2 years.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Panel shall be filled in the manner in which the original appointment was made and shall be subject to any conditions that applied with respect to the original appointment.

(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(3) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the successor of the member takes office.

(d) Removal. —A Member of the Panel may be removed from office by the Secretary of the Interior.

(e) Federal Advisory Committee Act. —The Panel shall not be subject to the requirements of the Federal Advisory Committee Act.

(f) Duties.

(1) Annual Assessment and Report on Agencies' Operational Decisions under this Act.—

(A) IN GENERAL.—No later than November 30, 2015, and annually no later than November 30 thereafter, the Panel shall report an assessment of the agencies' operational decisions under this Act and recommendations for the prospective implementation of this Act to the following Congressional committees:

(i) Senate Committee on Environment and Public Works;

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- (ii) Senate Appropriations Subcommittee on Energy and Water Development;
- (iii) House Natural Resources Committee; and
- (iv) House Appropriations Subcommittee on Energy and Water Development.

(B) RETROSPECTIVE ASSESSMENT.—In making the retrospective assessment under paragraph (1), the Panel shall review and evaluate the Director of the Fish and Wildlife Service, Administrator of NOAA Fisheries, and Commissioner of Reclamation's —

(i) decisions in implementing this Act and other Federal laws applicable to the operations of the Central Valley Project and the State Water Project;

(ii) compliance with the Endangered Species Act in relation to operations of the Central Valley Project and the State Water Project; and

(iii) efforts to minimize water supply disruptions while complying with the Endangered Species Act and this Act.

(C) PROSPECTIVE RECOMMENDATIONS.—The Panel shall make recommendations for prospective actions and potential actions warranting further study to better achieve the purposes of this Act and the Endangered Species Act as applied to the operations of the Central Valley Project and the State Water Project, including proposals—

(i) that in combination, both increase the survival of listed species and increase water supplies for the Central Valley Project and the State Water Project;

(ii) to increase the survival of listed fish species with little to no adverse effects on water supplies for the Central Valley Project and the State Water Project that would result from taking the specific proposed action recommended;

(iii) to increase such water supplies with little to no adverse effects on the survival of listed fish species; and

(iv) that respond to the annual Delta Science Program Independent Review Panel reports on the Long-term Operations Opinions.

(2) Five-Year Assessment on Effectiveness of Provisions of Act and Recommended Legislative Changes.

(A) IN GENERAL.—No later than five years after the date of enactment of this Act, and every five years thereafter, the Panel shall issue a report that

(i) evaluates the effectiveness of the provisions of this Act; and

(ii) makes legislative recommendations on:

(I) provisions of this Act that should be amended or repealed because they are not effective or for other reasons; and

(II) alternative legislation or modifications to this Act that could provide additional water supplies for the Central Valley Project and the State Water Project without reducing the survival of listed fish species.

(B) GOAL FOR RECOMMENDATIONS.—To the extent possible, the Panel shall submit legislative recommendations which in the aggregate would improve water supplies for the Central Valley Project and the State Water Project and increase the survival of listed

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fish species.

(C) REPORT TO CONGRESS.—The Panel shall submit its legislative recommendations to the Congressional committees listed in paragraph (1)(A).

(3) Submission of Comments and Proposals to Panel.—

(A) IN GENERAL.—In preparing the reports under paragraphs (1) and (2), the Panel shall invite comments and proposals from any interested person.

(B) SCHEDULE.—The Panel shall publish a schedule for receipt of comments and proposals under subparagraph (A), together with instructions for how to submit the comments and proposals.

(g) Cooperation and Assistance.—

(1) Upon request of the Panel Chairperson for information or assistance to facilitate the carrying out of this section, the Secretary of Commerce and the Secretary of the Interior shall promptly provide such information, unless otherwise prohibited by law.

(2) Space and Assistance.—The Secretary of the Interior shall provide the Panel with appropriate and adequate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Panel, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

**SEC. 606. CONTINGENCY IN EVENT OF CONTINUING
RESOLUTION FOR FISCAL YEAR 2015.**

The deadlines that apply to each respective Secretary, or agency, contained in sections 103(b), 103(d), 202, 204, and 205 shall be extended by the number of days that any resolution providing continuing appropriations for the Fish and Wildlife Service or NOAA Fisheries for fiscal year 2015 is in effect after January 1, 2015 if:

(1) such a resolution providing continuing appropriations for these agencies is enacted;

(2) the continuing resolution does not include funding for the agency actions prescribed in the sections of this Act specified above; and

(3) a funding shortfall remains for such agency actions after the Secretaries have consulted with the California Department of Water Resources, Central Valley Project and State Water Project contractors, and the Interagency Ecological Program.

From: Jason Peltier

Sent: Wednesday, October 8, 2014 9:16 AM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'; T Birmingham (tbirmingham@westlandswater.org)

Subject: Debate

Renteria squares off with Valadao in CSUB debate

BY JAMES BURGER The Bakersfield Californian jburger@bakersfield.com

Congressman David Valadao, R-Hanford and Democratic challenger Amanda Renteria crossed swords Tuesday night over health care, immigration, water and funding for higher education.

Their televised debate in the Cal State Bakersfield Student Union was hosted by KBAK Channel 29.

Share

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It came on the heels of Renteria's rally with Vice President Joe Biden at CSUB's Icardo Center.

Renteria worked hard to establish her credentials as a San Joaquin Valley native while whittling away at Valadao's voting record.

Valadao told Renteria she wasn't "one of us," saying she left the Valley behind to take a job in Washington, D.C.

He blamed the lack of progress on immigration reform, water and higher education funding on Biden and President Barack Obama's administration.

The two candidates' positions on major issues exhibited only subtle differences, but they played up those differences in a fast paced exchange.

Valadao touted his legislation seeking to bring water to the Central Valley and said he supported innovation to find new sources of water. Renteria said those innovations are fine ideas but that Valadao has done nothing to attach funding to his bill that would make it a reality.

Valadao shot back that his bill doesn't need taxpayer dollars because it acquires water simply by keeping water from flowing out to sea.

Both candidates were allowed to ask their opponent one question.

Valadao used his to attempt to tie Renteria to Nancy Pelosi and the Natural Resources Defense Counsel. Did she reject legislation they supported to limit water for the central valley?

"Yes," Renteria said simply. "We should revisit those regulations."

WAGES

Another exchange came as the panel of questioners asked about the need for a minimum wage.

Renteria came out strongly in support.

"No working family should live in poverty. You should have a good life. You should be able to care for your family," she said.

Valadao said the valley should be helping find people training so they can get maximum wage jobs. When pressured, he said that state voters should decide the minimum wage issue.

He refused to say what he thought of the idea. "I'm still confused" by Valadao's response, Renteria quipped.

IMMIGRATION

The pair exchanged a flurry of points on immigration. Valadao has sponsored legislation that supports a path to citizenship for immigrants. But, opposed by his party, it has gone nowhere in the House of Representatives.

Asked what he would do to advance the issue, Valadao pointed the blame at Obama.

"I would recommend the President actually use his phone and talk to some of us," Valadao said. "There are a lot of us who want to see this get done, and get done right."

Renteria worked to paint Valadao's support of the legislation as weak and criticized him for making little progress.

She pointed out he voted against the California Dream Act while in the state assembly.

RAIL

It was Renteria's turn to give a nuanced response to questions when the topic of high speed rail came up. Valadao is a staunch opponent of the rail plan.

Renteria said she opposes the rail plan in its current form because it is not what California voters voted for.

But if it does come, she said, she wants the jobs to go to valley workers.

"Shut it down. This (rail) project is an absolute disaster," Valadao said.

Renteria chided him for the attitude, saying shutting things down isn't the best way to lead -- a dig at Valadao's apparent support for the GOP-led government shutdown.

QUESTION

Renteria used her one question to Valadao, at the end of the debate, to try and counter one of his most common attacks against her -- that her decision to take a job in Washington, D.C., had invalidated her claim of being from the San Joaquin Valley.

"Really," she asked him, "I'm not one of us?"

"Yes," Valadao said.

He said he stayed at home and worked in his family business, growing up with the people he went to high school with.

"My kids are hanging out with my friends' kids," he said. "This area is home. I never left. I worked my butt off."

Renteria turned to the audience to respond.

"All you kids -- you're one of us. Don't let anyone tell you differently."

From: Butler, Jessica
Sent: Wednesday, October 8, 2014 10:26 AM
To: 'Tom Birmingham'
CC: David L. Bernhardt
Subject: RE: Text suggestion

Very nice. Thank you!

Jessica

Jessica Butler
Senior Policy Advisor
Rep. David G. Valadao (CA-21)
1004 Longworth House Office Building
Washington, DC 20024
202-225-4695
Jessica.butler@mail.house.gov



From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Tuesday, October 07, 2014 4:24 PM
To: Butler, Jessica
Cc: David L. Bernhardt
Subject: Fwd: Text suggestion

Jessica,

The following is a definition drafted by David Bernhardt. I hope this is helpful.

Tom

Sent from my iPhone

Begin forwarded message:

From: "Bernhardt, David L." <DBernhardt@BHFS.com>
Date: October 7, 2014 at 1:40:52 PM EDT
To: "Thomas W. Birmingham (tbirmingham@westlandswater.org)"
<tbirmingham@westlandswater.org>
Subject: Text suggestion

Tom: Here is what I would suggest, I suspect you will tweak it, but I would like to start as broadly as possible.

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANT ADMINISTRATOR.—The term “Assistant Administrator” means the Assistant Administrator of NOAA Fisheries.

(2) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(3) Other Affected Interests. — The term “other affected interests” means the State of California, subdivisions of the State of California, public water agencies and the tens of millions of people who benefit directly and indirectly from the multipurpose operations of the Central Valley Project and the State Water Project.

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From: Nelson, Damon
Sent: Wednesday, October 8, 2014 2:10 PM
To: Tom Birmingham; Bernhardt, David L.
Subject: Draft
Attachments: Draft Edits for Water Bill.docx

Here is the latest changes; more will follow.

CONFIDENTIAL DRAFT LANGUAGE – DO NOT DISTRIBUTE

Title: To provide drought relief in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “California Drought Relief Act of 2014”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec.1.Short title; table of contents.

Sec.2.Findings.

Sec.3.Definitions.

**TITLE I—ADJUSTING DELTA SMELT MANAGEMENT
BASED ON INCREASED REAL-TIME MONITORING AND
UPDATED SCIENCE**

Sec.101.Definitions.

Sec.102.Revise incidental take level calculation to reflect new science.

Sec.103.Factoring increased real-time monitoring and updated science into ~~d~~Delta smelt management.

**TITLE II—ENSURING SALMONID MANAGEMENT IS
RESPONSIVE TO NEW SCIENCE**

Sec.201.Definitions.

Sec.202.Required scientific studies.

Sec.203.Process for ensuring salmonid management is responsive to new science.

Sec.204.Pilot program to protect native anadromous fish in the Stanislaus River.

Sec.205.CALFED invasive species pilot projects in the Sacramento-San Joaquin Bay Delta and its tributaries.

Sec.206.Mark fishery and harvest management.

Sec.207.New actions to benefit Central Valley salmonids.

**TITLE III—OPERATIONAL FLEXIBILITY AND DROUGHT
RELIEF**

Sec.301.Findings.

Sec.302.Definitions.

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- 1 Sec.303.Operational flexibility in times of drought.
- 2 Sec.304.Operation of cross-channel gates.
- 3 Sec.305.Flexibility for export/inflow ratio.
- 4 Sec.306.Emergency environmental reviews.
- 5 Sec.307.Prioritizing State revolving funds during droughts.
- 6 Sec.308.Increased flexibility for regular project operations.
- 7 Sec.309.Temporary operational flexibility for first few storms of 2015 water year.
- 8 Sec.310.Expediting water transfers.
- 9 Sec.311.Warren Act contracts. [PLACEHOLDER]
- 10 Sec.312.Additional Warren Act contracts. [PLACEHOLDER]

11 **TITLE IV—INCREASING WATER STORAGE**

- 12 Sec.401.Findings.
- 13 Sec.402.Calfed storage feasibility studies.
- 14 Sec.403.Water storage project construction.
- 15 Sec.404.Other storage feasibility studies.
- 16 Sec.405.Dam safety projects with increased storage component.
- 17 Sec.406.Updating water operations manuals for non-Federal projects.
- 18 Sec.407.Central Valley Project.

19 **TITLE V—WATER RIGHTS PROTECTIONS**

- 20 Sec.501.Protections for State water project contractors.
- 21 Sec.502.Area of origin protections.
- 22 Sec.503.No redirected adverse impacts.
- 23 Sec.504.Effect on State laws.

24 **TITLE VI—MISCELLANEOUS**

- 25 Sec.601.Authorized service area.
- 26 Sec.602.Rescheduled water.
- 27 Sec.603.Fisheries disaster declaration. [PLACEHOLDER]
- 28 Sec.604.Oversight board for Restoration Fund.
- 29 Sec.605.Water operations review panel.
- 30 Sec.606.Contingency in event of continuing resolution for fiscal year 2015.

31

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1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) As established in the Proclamation of a State of Emergency issued by the Governor of
4 the State on January 17, 2014, the State is experiencing record dry conditions;

5 (2) Extremely dry conditions have persisted in the State since 2012, and the drought
6 conditions are likely to persist into the future;

7 (3) As of September 2014, the National Weather Service’s forecast does not show a high
8 likelihood of the State experiencing above-normal precipitation for the remainder of the
9 calendar year;

10 (4) The water supplies of the State are at record-low levels, as indicated by the fact that
11 all major Central Valley Project reservoir levels were at 20-35 percent of capacity as of
12 September 25, 2014;

13 (5) The lack of precipitation has been a significant contributing factor to the 6,091 fires
14 experienced in the State as of September 15, 2014, and which covered nearly 400,000 acres;

15 (6) According to a study released by the University of California, Davis in July 2014, the
16 drought has led to the fallowing of 428,000 acres of farmland, loss of \$810 million in crop
17 revenue, loss of \$203 million in dairy and other livestock value, and increased groundwater
18 pumping costs by \$454 million. The statewide economic costs are estimated to be \$2.2
19 billion, with over 17,000 seasonal and part-time agricultural jobs lost;

20 (7) CVPIA Level II water deliveries to refuges have also been reduced by 25% in the
21 north of Delta region, and by 35% in the south of Delta region;

22 (8) Only one-sixth of the usual acres of rice fields are being flooded this fall, which leads
23 to a significant decline in habitat for migratory birds and an increased risk of disease at the
24 remaining wetlands due to overcrowding of such birds;

25 (9) The drought of 2013 through 2014 constitutes a serious emergency that poses
26 immediate and severe risks to human life and safety and to the environment throughout the
27 State;

28 (10) The serious emergency described in paragraph (4) requires—

29 (A) immediate and credible action that respects the complexity of the water system
30 of the State and the importance of the water system to the entire State; and

31 (B) policies that do not pit stakeholders against one another, which history shows
32 only leads to costly litigation that benefits no one and prevents any real solutions;

33 (11) Federal law (including regulations) directly authorizes expedited decisionmaking
34 procedures and environmental and public review procedures to enable timely and
35 appropriate implementation of actions to respond to the type and severity of the serious
36 emergency described in paragraph (4); and

37 (12) The serious emergency described in paragraph (4) fully satisfies the conditions
38 necessary for the exercise of emergency decisionmaking, analytical, and public review
39 requirements under—

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(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(C) water control management procedures of the Corps of Engineers described in section 222.5 of title 33, Code of Federal Regulations (including successor regulations); and

(D) the Reclamation States Emergency Drought Relief Act of 1991 (Public Law 102–250; 106 Stat. 53).

(13) The ~~2008~~ smelt biological opinion and ~~2009~~ salmonid biological opinion contain reasonable and prudent alternatives to protect listed fish species from being jeopardized by operation of the Central Valley Project and State Water Project and to prevent adverse modification of designated critical habitat;

(14) The effect of those reasonable and prudent alternatives in the biological opinions may restrict the amount of water pumping that can occur to deliver water for agricultural, municipal, industrial, groundwater, and refuge uses in California;

(15) Data on the difference between water demand and reliable water supplies for various regions south of the ~~delta~~ Delta, including the San Joaquin Valley, indicate there is a significant annual gap between reliable water supplies to meet agricultural, municipal and industrial, groundwater, and refuges water needs within the South of Delta and Friant Division of the Central Valley Project and the State Water Project south of the Sacramento-San Joaquin River Delta and north of the Tehachapi mountain range and the demands of those areas. This gap varies depending on the methodology of the analysis performed, but can be represented in the following ways:

Commented [A1]: Agencies are verifying the accuracy of the facts within this finding.

(A) For Central Valley Project South-of-Delta water service contractors, if it is assumed that a water supply deficit is the difference in the amount of water available for allocation versus the maximum contract quantity, particularly in more recent years, then the water supply deficits that have developed from 1992 to 2014 as a result of changes besides natural variations in hydrology during this timeframe range between 720,000 and 1,100,000 acre-feet.

(B) For Central Valley Project and State Water Project water service contractors south of the Delta and north of the Tehachapi mountain range, if it is assumed that a water supply deficit is the difference between reliable water supplies, including maximum water contract deliveries, safe yield of groundwater, safe yield of local and surface supplies and long-term contracted water transfers, and water demands, including water demands from agriculture, municipal and industrial and refuge contractors, then the water supply deficit ranges between approximately 2,500,000 to 2,700,000 acre-feet.

(C) The California Water Plan evaluated outcomes under current conditions under 198 combinations of climate and growth scenarios, projecting a range of urban and agricultural reliability into the future. Reliability in this instance is defined as the percentage of years in which demand is sufficiently met by supply. Reliability across a range of futures within the San Joaquin Valley can be presented as:

(i) For the San Joaquin River Hydrologic Region, as defined in the California

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Water Plan:

(I) Urban supply reliability ranges between 90 and 100 percent, with a mean reliability across futures in the high 90th percentile; and

(II) Agricultural supply reliability ranges between 70 and 100 percent, with a mean reliability across futures in the mid-90th percentile.

(ii) For the Tulare Lake Hydrologic Region, as defined in the California Water Plan:

(I) Urban supply reliability ranges between 70 and 100 percent, with a mean reliability across futures in the mid-90th percentile; and

(II) Agricultural supply reliability ranges between 20 and 100 percent, with a mean reliability across futures in the low 70th percentile.

(16) Since the issuance of the biological opinions, recent studies have raised questions about the benefits to endangered salmonid populations from water pumping restrictions, including:

Commented [A2]: Agencies are assessing this finding.

(A) Expert panel reviews have concluded that instantaneous water velocities in the tidal Delta affect juvenile salmonids, not “tidally average” flows, as previously assumed. Based on instantaneous water velocity modeling, water exports have a much smaller area of effect than was previously believed;

(B) Tagging studies conducted since 1993 (representing more than 28 million fish) demonstrate that the proportion of Sacramento Basin origin Chinook salmon entrained into the pumping facilities (including pre-screen losses) are on average less than 1/10 of 1%; and

(C) Telemetry studies of Sacramento Basin and San Joaquin Basin origin juvenile Chinook salmon have not demonstrated any significant adverse effect from water exports on fish survival.

(17) Data of pumping activities at the Central Valley Project and State Water Project delta pumps identifies that, on average from Water Year 2009 to Water Year 2014, pumping activity takes 893 ~~Δ~~Delta smelt annually with an authorized take level of 5,003 ~~Δ~~Delta smelt annually according to the biological opinion issued December 15, 2008.

(18) It is worth exploring whether there is a way to implement the biological opinions that would preserve the protections afforded listed fish and simultaneously increase water deliveries to the Central Valley Project and State Water Project without weakening environmental laws or protections.

(19) In 2014, better information exists than was known in 2008 concerning conditions and operations that may or may not lead to high salvage events that jeopardize the fish populations, and what alternative management actions can be taken to avoid jeopardy.

(20) Alternative management strategies, such as trapping and barging juvenile salmon through the Delta, removing non-native species, enhancing habitat, and monitoring fish movement and location in real-time can contribute significantly to protecting and recovering these endangered fish species, and at potentially lower costs to water supplies.

(21) Resolution of fundamental policy questions concerning the extent to which

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application of the Endangered Species Act affects the operation of the Central Valley Project and State Water Project is the responsibility of Congress.

SEC. 3. DEFINITIONS.

In this Act:

(1) DELTA.—The term “Delta” means the Sacramento-San Joaquin Delta and the Suisun Marsh, as defined in sections 12220 and 29101 of the California Public Resources Code.

(2) Export Pumping Rates.—The term “export pumping rates” means the rates of pumping at the W.C. “Bill” Jones Pumping Plant and the Harvey O. Banks Pumping Plant, in the southern Delta.

~~(3) JEOPARDY.—The term “jeopardy” means to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.~~

~~(34)~~ LISTED FISH SPECIES.—The term “listed fish species” means listed salmonid species and the Delta smelt.

~~(45)~~ LISTED SALMONID SPECIES.—The term “listed salmonid species” means natural origin steelhead, natural origin genetic spring run Chinook, and genetic winter run Chinook salmon.

~~(5) NEGATIVE IMPACT ON THE LONG-TERM SURVIVAL.—The term “negative impact on the long-term survival” means to reduce appreciably the likelihood of the survival of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.~~

(6) OMR.—The term “OMR” means the Old and Middle River in the Delta.

(7) OMR FLOW OF -5000 CFS.—The term “OMR flow of -5000 cfs” means Old and Middle River flow of negative 5,000 cubic feet per second as measured by—

(A) the smelt biological opinion; and

(B) the salmonid biological opinion.

(8) SALMONID BIOLOGICAL OPINION.—The term “salmonid biological opinion” means the biological opinion issued by the National Marine Fisheries Service on June 4, 2009.

(9) SMELT BIOLOGICAL OPINION.—The term “smelt biological opinion” means the biological opinion on the Long-Term Operational Criteria and Plan for coordination of the Central Valley Project and State Water Project issued by the United States Fish and Wildlife Service on December 15, 2008.

(10) STATE.—The term “State” means the State of California.

TITLE I—ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE

SEC. 101. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(2) DELTA SMELT.—The term “~~d~~Delta smelt” means the fish species with the scientific name *Hypomesus transpacificus*.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 102. REVISE INCIDENTAL TAKE LEVEL
CALCULATION FOR DELTA SMELT TO REFLECT NEW
SCIENCE.

No later than October 1, 2015, and at least every five years thereafter, the Director of Fish and Wildlife Service, in cooperation with other federal, state, and local agencies, shall use the best scientific and commercial data available to complete a review and, if warranted, a modification of the incidental take level in the ~~2008 delta~~ smelt biological opinion that takes into account, among other considerations,—

- (a) salvage information collected since at least 1993; available over at least 18 years;
- (b) updated or more recently developed statistical models;
- (c) updated scientific and commercial data; and
- (d) the most recent information regarding the environmental factors driving ~~d~~Delta smelt salvage.

SEC. 103. FACTORING INCREASED REAL-TIME
MONITORING AND UPDATED SCIENCE INTO DELTA
SMELT MANAGEMENT.

(a) In General.—The reasonable and prudent alternative described in the ~~2008 delta~~ smelt biological opinion, ~~as amended~~, and any successor opinions, shall be implemented consistent with current best scientific and commercial data available. ~~and implementation shall be adjusted accordingly as new scientific and commercial data are developed.~~

(b) Increased Monitoring to Inform Real-time Operations.— ~~Contingent upon funding,~~ ~~†~~The Secretary shall conduct additional surveys, on an annual basis at the appropriate time of the year based on environmental conditions, in collaboration with other ~~d~~Delta science interests.

(1) In implementing this section, after seeking public input, the Secretary shall —

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(A) use the most appropriate survey methods for the detection of ~~Δ~~Delta smelt to determine the extent that adult ~~Δ~~Delta smelt are distributed in relation to certain levels of turbidity, or other environmental factors that may influence salvage rate; and

(B) use results from appropriate survey methods for the detection of ~~Δ~~Delta smelt to determine how the Central Valley Project and State Water Project may be operated more efficiently to minimize salvage while maximizing export pumping rates ~~of water export without causing a negative impact on the long-term survival of the Delta smelt.~~

(2) During the period beginning on December 1, 2014 and ending March 31, 2015, and in each successive December through March period, if suspended sediment loads enter the Delta from the Sacramento River and the suspended sediment loads appear likely to raise turbidity levels in Old River north of the export pumps from values below 12 Nephelometric Turbidity Units (NTU) to values above 12 NTU, the Secretary shall—

(A) conduct daily monitoring using appropriate survey methods at locations including, but not limited to, the vicinity of Station 902 to determine the extent that adult Delta smelt are moving with turbidity toward the export pumps; and

(B) use results from the monitoring surveys referenced in paragraph (A) at ~~locations including, but not limited to, the vicinity of Station 902~~ to determine how increased trawling can inform daily real-time Central Valley Project and State Water Project operations to minimize salvage while maximizing export pumping rates ~~of water export without causing a negative impact on the long-term survival of the Delta smelt.~~

(c) Periodic Review of Monitoring.—Within twelve months of the date of enactment of this title, and ~~At~~ at least once every 5 years thereafter, or sooner if the Secretary determines it is appropriate, the Secretary shall—

(1) evaluate whether the monitoring program under subsection (b), combined with other monitoring programs for the Delta, is providing sufficient data to inform Central Valley Project and State Water Project operations to minimize salvage while maximizing export pumping rates ~~of water export without causing a negative impact on the long-term survival of the Delta smelt;~~ and

(2) determine whether the monitoring efforts should be changed in the short- or long-term to provide more useful data.

(d) Delta Smelt Distribution Study.—

(1) IN GENERAL.— No later than January 1, 2016, in collaboration with the California Department of Fish and Wildlife, the California Department of Water Resources, public water agencies, and other interested entities,, shall implement new targeted sampling

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and monitoring specifically designed to understand ~~d~~Delta smelt abundance, distribution, and the types of habitat occupied by ~~d~~Delta smelt during all life stages.

(2) SAMPLING.—The Delta smelt distribution study shall, at a minimum—

(A) include recording water quality and tidal data;

(B) be designed to understand ~~d~~Delta smelt abundance, distribution, habitat use, and movements throughout the ~~Bay~~Delta, Suisun Marsh, and other areas occupied by the Delta smelt during all seasons;

(C) consider areas not routinely sampled by existing monitoring programs, including wetland channels, near-shore water, depths below 35 feet, and shallow-water; and

(D) use ~~the most biologically appropriate~~ survey methods, including sampling gear, best suited to collect the most accurate data for the type of sampling or monitoring.

(e) Scientifically supported implementation of Old and Middle River flow requirements.—In implementing the provisions of the smelt biological opinion, or any successor biological opinion, ~~on~~ pertaining to management of reverse flow in the Old and Middle Rivers, the Secretary shall—

(1) consider the relevant provisions of the biological opinion or any successor biological opinion;

(2) manage reverse flow in Old and Middle Rivers as prescribed by the smelt biological opinion, or any successor biological opinion, to minimize water supply reductions for the Central Valley Project and the State Water Project;

~~(3) document in writing any significant facts about real-time conditions relevant to the determinations of reverse OMR flow rates less negative than -5000 cubic feet per second, including—~~

(A) ~~the findings in paragraph (3);~~

whether continued project operations over the remainder of the water year would exceed the incidental take level;

(~~E~~) the potential effects of entrainment on subsequent smelt abundance, including consideration of the distribution of the population throughout the Delta,

(~~D~~) the water temperature,

(~~E~~) other factors relevant to the determination; and

(~~F~~) whether any alternative measures could have a lesser water supply impact.

(~~5~~) for any subsequent biological opinion, make the showing required in

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paragraph (3) for any determination to manage OMR reverse flow at rates less negative than the upper limit in the biological opinion if the upper limit in the biological opinion is more negative than -5000 cubic feet per second.

(f) Memorandum of Understanding. No later than December 1, 2014, the Commissioner and the Director will execute a Memorandum of Understanding (MOU) to ensure that the smelt biological opinion is implemented in a manner that minimizes water supply losses while complying with applicable laws and regulations. If that MOU alters any procedures set out in the biological opinion, there will be no need to reinitiate consultation if those changes do not have an adverse effect on listed species and the implementation of the MOU would not be a major change to implementation of the biological opinion. Any change to procedures that does not create a new adverse effect to listed species will not alter application of the take exemption in the incidental take statement in the biological opinion under the Endangered Species Act, section 7(o)(2).

TITLE II—ENSURING SALMONID MANAGEMENT IS RESPONSIVE TO NEW SCIENCE

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANT ADMINISTRATOR.—The term “Assistant Administrator” means the Assistant Administrator of NOAA Fisheries.

(2) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

SEC. 202. REQUIRED SCIENTIFIC STUDIES.

(a) Trap and Barge Pilot Project to Increase Survivals Through the Delta.—The Assistant Administrator and the Commissioner shall, in collaboration with the U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife and other interested parties, design, permit, implement and evaluate a pilot program to test the efficacy of an experimental trap and barge program to improve survival of juvenile salmonids emigrating from the San Joaquin watershed through the Delta, as further described below.

(1) Within 30 days of enactment, the Assistant Administrator shall convene a working group of the relevant agencies and other interested parties through which to develop and execute a plan for the design, budgeting, implementation and evaluation of such a pilot program, utilizing existing expertise on such trap and barge programs as may be available. Such plan shall detail a schedule and budget for the program, and identify the responsible parties for each element of the program.

(2) The Assistant Administrator shall provide an opportunity for public review and comment on the pilot program and also simultaneously seek an expeditious independent peer review of the program to improve its rigor and likelihood of success.

(3) Upon completion of (2), above, the Assistant Administrator shall complete the

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necessary design and evaluations of the pilot program and seek such permits or other regulatory authorizations as may be required under federal law for its prompt implementation and evaluation by the Assistant Administrator, the Commissioner or such other parties as they determine most suitable.

(4) ~~Subject to the availability of funding,~~ The Assistant Administrator and the Commissioner shall seek to commence implementation of the pilot program in 2015 or as soon thereafter as is possible, and shall conduct such pilot for such period of time as needed to evaluate the efficacy of the program to improve survival~~s~~ across a range of environmental conditions.

(5) The Assistant Administrator and the Commissioner shall jointly report annually to the Senate Environment and Public Works Committee and the House Committee on Natural Resources their progress in implementing this section, estimated survival rates through the Delta for both juvenile salmonids that were barged through the Delta and those that were not barged, and if survival rates are significantly higher for barged fish as compared to other outmigrating smolts, the Assistant Administrator's and Commissioner's recommendations regarding broadening the pilot program and any relevant recommendations pursuant to section 203.

(b) Tagging studies.

(1) IN GENERAL.—The Assistant Administrator, in collaboration with other ~~d~~Delta science partners, shall implement tagging studies, including acoustic telemetry and PIT tagging studies as appropriate, wherein habitat, predators, flow conditions, or other factors are experimentally altered and the behavior and survival of tagged juvenile salmonids are observed. Studies may also be conducted to aid in the understanding of Chinook salmon and steelhead abundance, distribution, and survival.

(2) SAMPLING.—The sampling—

(A) shall include recording water quality and tidal data;

(B) will be designed to aid in the understanding of salmonid abundance, distribution, and movements throughout the Bay Delta, including estimates of through Delta survival from Knights Landing or from Mossdale to Chipps Island; and

(C) will supplement, not supplant, ongoing acoustic tag and coded wire survival studies in the San Joaquin and Sacramento Rivers which the Assistant Administrator determines are crucial for trend monitoring.

**SEC. 203. PROCESS FOR ENSURING SALMONID
MANAGEMENT IS RESPONSIVE TO NEW SCIENCE.**

(a) General directive. The reasonable and prudent alternative described in the salmonid biological opinion allows for and anticipates adjustments in operating criteria to reflect the best scientific and commercial data currently available, and authorizes efforts to test and evaluate improvements in operations that will meet applicable regulatory requirements and enable improvements in water supply reliability. The Commissioner and the Assistant Administrator are

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hereby directed to utilize these authorities fully as described below.

(b) Annual reviews of certain operating criteria. No later than December 31, 2015, and at least annually thereafter,

(1) The Commissioner, in consultation with and with the assistance of the Assistant Administrator shall ~~commence annual efforts to~~ examine and identify adjustments to the initiation of Action IV.2.3 pertaining to negative OMR flows, subject to paragraph (5).

(2) The Commissioner, in consultation with and with the assistance of the Assistant Administrator, shall examine and identify adjustments in the timing, triggers or other operational details relating to the implementation of pumping restrictions in Action IV.2.1 pertaining to the inflow to export requirements, subject to paragraph (5).

(3) Pursuant to the consultation and assessments carried out under paragraphs (1) and (2) of this subsection, the Commissioner shall make recommendations to the Assistant Administrator on adjustments that, in the exercise of the adaptive management provisions of the salmonid biological opinion, ~~can improve water supplies will reduce water supply impacts of the salmonid biological opinion on the Central Valley Project and the California State Water Project~~ and are consistent with the requirements of applicable law and as further described in subsection (c).

(4) The Commissioner shall implement those adjustments for which the conditions under subsection (c) are met.

(5) The Assistant Administrator and the Commissioner shall review and identify adjustments to water supply restrictions in any successor biological opinion to the salmonid biological opinion, applying the provisions of this section to those water supply restrictions where there are references to Actions IV.2.1 and IV.2.3.

(c) Adjustments that shall be implemented. In ~~receiving~~ reviewing the recommendations under subsection (b), the Assistant Administrator shall evaluate the effects of the recommended adjustments on listed species and shall adjustments for which:

(1) the net effect on listed species is equivalent to those of the underlying criteria in the salmonid biological opinion, taking into account whatever actions or measures may be implemented in conjunction with the adjustments to mitigate its effects; and

(2) the effects of the adjustment fall within the incidental take authorizations.

(d)

When examining and identifying opportunities to offset the potential adverse effect of adjustments to operating criteria, the Commissioner and the Assistant Administrator shall take into account the potential ~~species salmonid~~ survival improvements that are likely to result from other measures which, if implemented in conjunction with the adjustments, would offset ~~the~~ adverse effects, if any, of the adjustments. When ~~considering evaluating~~ offsetting measures, the Commissioner and the Assistant Administrator shall consider the type, timing and nature of the adverse effects, if any, to specific species and ensure that the measures provide equivalent overall benefits to the listed species in the aggregate, as long as the change will not cause a negative impact on the long-term survival of a listed salmonid species. in survival rates for each species remains consistent with the Endangered Species Act and implementing regulations.

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(e) Framework for examining opportunities to minimize or offset the potential adverse effect of adjustments to operating criteria.—Not later than December 31, 2015, and every five years thereafter, the Assistant Administrator shall, in collaboration with the Director of the California Department of Fish and Wildlife, based on the best scientific and commercial data available and for each listed salmonid species, issue estimates of the increase in through-Delta survival the Secretary expects to be achieved—

(1) ~~through with~~restrictions on export ~~pumping rates~~restrictions as specified by Action IV.2.3 as compared to limiting OMR flow to a fixed rate of -5000 cubic feet per second within the time period Action IV.2.3 is applicable, based on a given rate of San Joaquin River inflow to the Delta and holding other relevant factors constant;

(2) ~~through with~~ San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1 as compared to the ~~export~~ restrictions in the April/May period imposed by the State Water Resources Control Board decision D-1641, based on a given rate of San Joaquin River inflow to the Delta and holding other relevant factors constant;

(3) ~~through by~~ a trap and barge program based on the experience of other systems to the extent they are comparable, and the study described in section 202, as that information becomes available;

(4) through physical habitat restoration improvements;

(5) through predation control programs;

(6) through the installation of temporary barriers, the management of Cross Channel Gates operations, and other projects affecting flow in the Delta;

(7) ~~through by~~ salvaging fish that may be entrained near the entrance to Clifton Court Forebay; and

(8) ~~through by~~ any other management measures that may provide equivalent or better protections ~~benefits~~ for listed species ~~with improvements to water supplies while~~ maximizing export pumping rates without causing a negative impact on the long-term survival of a listed salmonid species.

(f) Survival estimates.

(1) ~~To the~~ maximum extent feasible, the Assistant Administrator shall make ~~these~~ quantitative estimates of survival, and determinations quantitatively to the maximum extent feasible, such as a range of percentage increases in through-Delta survival that could result from the management measures, and if the scientific information is lacking for quantitative estimates, shall do so on qualitative terms based upon the best available science.

(2) If the Assistant Administrator provides qualitative survival estimates ~~of the benefits to the for~~ a species resulting from one or more management measures, the Secretary shall, to the maximum extent feasible, rank the management measures described in subsection (e) in terms of their most likely expected contribution to increased through-Delta survival relative to the other measures.

(3) If at the time the Assistant Administrator conducts the analysis under subsection (b),

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the Secretary has not issued an estimate of increased through-Delta survival from different management measures pursuant to subsection (e), the Secretary shall compare the protections to the species from different management measures based on the best scientific and commercial data available at the time.

- (g) Comparison of adverse consequences for alternative management measures of equal protection for a species. ~~benefit to the salmon.~~

(1) For the purposes of this subsection—

(A) The alternative management measure or combination of alternative management measures identified in paragraph (2) shall be known as the “equivalent alternative measure.”

(B) The existing measure or measures identified in subparagraphs (2)(A),(B),(C), or (D) shall be known as the “equivalent existing measure.”

(C) An “equivalent increase in through-Delta survival rates for listed salmonid species” shall mean an increase in through-Delta survival rates that is equivalent when considering the change in through-Delta survival rates for the listed salmonid species in the aggregate, and not ~~necessarily~~ the same change for each individual species, as long as the change in survival rates will not cause a negative impact on the long-term survival of a listed salmonid species. for each species remains consistent with the Endangered Species Act and implementing regulations.

(2) As part of the reviews of operating criteria pursuant to subsection (b), the Assistant Administrator shall determine whether any alternative management measures ~~or~~ combination of alternative management measures listed in subsection (e)(3) through (8) would provide an increase in through-Delta survival rates for listed salmonid species that is equivalent to the increase in through-Delta survival rates for listed salmonid species from the following:

(A) through restrictions on export pumping rates ~~with export restrictions~~ as specified by Action IV.2.3, as compared to limiting OMR flow to a fixed rate of -5000 cubic feet per second within the time period Action IV.2.3 is applicable;

(B) through restrictions on export pumping rates as specified by Action IV.2.3, as compared to a modification of Action IV.2.3 that would provide additional water supplies, other than that described in subparagraph (A);

(C) through ~~with~~ San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1, as compared to the ~~export~~ restrictions in the April/May period imposed by the State Water Resources Control Board decision D-1641, or

(D) through ~~with~~ San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1, as compared to a modification of Action IV.2.1 that would reduce water supply impacts of the salmonid biological opinion on the Central Valley Project and the California State Water Project, provide additional water supplies, other than that described in subparagraph (C).

(3) If the Assistant Administrator identifies an equivalent alternative measure pursuant to paragraph (2), the Assistant Administrator shall determine whether

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(A) it is technically feasible and within federal jurisdiction to implement the equivalent alternative measure, and

(B) the adverse consequences of doing so are less than the adverse consequences of the equivalent existing measure, including a concise evaluation of the adverse consequences to other affected interests.

(4) If the Assistant Administrator makes the findings in subparagraph (3)(A) and (B), the Assistant Administrator and the Commissioner shall adjust the operating criteria in the salmonid biological opinion pursuant to this subsection to implement the equivalent alternative measure in place of the equivalent existing measure in order to increase export rates of pumping-water-supplies to the greatest extent possible while maintaining a net combined effect of equivalent through-Delta survival rates for the listed salmonid species.

(h) Tracking adverse effects beyond the range of effects accounted for in the salmonid biological opinion and coordinated operation with the smelt biological opinion.

(1) Among the adjustments to the operational criteria considered through the adaptive management process under this section, the Assistant Administrator and the Commissioner shall

(A) Evaluate the effects on listed salmonid species and water supply of the potential adjustment to operational criteria described in subparagraph (B); and

(B) Consider requiring that before some or all of the provisions of Actions IV.2.1. or IV.2.3 are imposed in any specific instance, the Assistant Administrator show that the implementation of these provisions in that specific instance is necessary to avoid a negative impact on the long-term survival of a listed salmonid species. ~~additional adverse effects upon listed salmonid species beyond the range of effects analyzed and accounted for in the salmonid biological opinion~~

(2) The Assistant Administrator, the Director and the Commissioner, in coordination with State officials as appropriate, shall establish operational criteria to coordinate management of OMR flows under the smelt and salmonid biological opinions, in order to take advantage of opportunities to provide additional water supplies from the coordinated implementation of the biological opinions.

(i) Real-Time Monitoring and Management. The Assistant Administrator and the Commissioner shall, through the NMFS adaptive management salmonid biological opinion provisions, analyze whether date-certain triggers that limit OMR reverse flow to -5000 cubic feet per second could be adjusted to instead use real-time migration information on salmonids. If the analysis shows that the use of real-time information to trigger OMR flow limitations would improve water supply without causing significant adverse effects to Winter-run Chinook salmon, then such real-time management triggers shall be implemented.

SEC. 204. PILOT PROGRAM TO PROTECT NATIVE ANADROMOUS FISH IN THE STANISLAUS RIVER.

(a) Establishment of Non-native Predator Fish Removal Program. The Assistant Administrator, in consultation with the United States Fish and Wildlife Service and the California Department of Fish and Wildlife, shall develop and conduct a pilot non-native

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predator fish removal program to remove non-native striped bass, smallmouth bass, largemouth bass, black bass, and other non-native predator fishes in and around the Bay Delta, including the Stanislaus River, contingent upon funding. The pilot program shall--

(1) be scientifically based;

(2) include methods to quantify the number and size of predator fishes removed each year, the impact of such removal on the overall abundance of predator fishes, and the impact of such removal on the populations of juvenile anadromous fish found in the Stanislaus River and elsewhere by, among other things, evaluating the number of juvenile anadromous fish that migrate past the rotary screw trap located at Caswell;

(3) among other methods, use wire fyke trapping, portable resistance board weirs, and boat electrofishing, which are among the most effective predator collection techniques that minimize effects to native anadromous fish;

(4) be developed, including the application for all necessary scientific research and species enhancement permits under section 10(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)), for the performance of the pilot program, not later than 6 months after the date of the enactment of this Act;

(5) be implemented on the first business day of the calendar year following the issuance of all necessary scientific research, species enhancement permits, and funding needed to begin the pilot program; and

(6) be implemented for a period of seven consecutive calendar years.

(b) Management. The Assistant Administrator is authorized and encouraged to enter into agreements with interested local water districts to jointly develop, implement and evaluate this pilot program. Such parties shall work collaboratively to ensure the performance of the pilot program, and shall discuss and agree upon, among other things, changes in the structure, management, personnel, techniques, strategy, data collection, reporting and conduct of the pilot program.

(c) Conduct.—

(1) IN GENERAL.—By agreement between the Assistant Administrator and the participating districts, the pilot program may be conducted by their own personnel, qualified private contractors hired by the districts, personnel of, on loan to, or otherwise assigned to NOAA Fisheries, or a combination thereof.

(2) PARTICIPATION BY NOAA FISHERIES.—In the event the districts elect to conduct the program using their own personnel or qualified private contractors hired by them, the Commissioner has the option to assign an employee of, on loan to, or otherwise assigned to NOAA Fisheries, to be present for all activities performed in the field. Such presence shall ensure compliance with the agreed upon elements specified in subsection (b). The districts shall pay 100 percent of the cost of such participation as specified in subsection (d).

(3) TIMING OF ELECTION.—The districts shall notify the Assistant Administrator of their election on or before October 15 of each calendar year of the pilot program, which election shall apply to the work performed in the subsequent calendar year.

(d) Funding.—

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1 (1) ANNUAL FUNDING.—The Commissioner, the Assistant Administrator, and the
2 participating districts shall develop a budget and funding plan for the pilot project that will
3 allocate costs appropriately amongst the participating entities. On or before December 1 of
4 each year of the pilot program, the Commissioner shall submit to the districts an estimate of
5 the cost to be incurred by the Bureau of Reclamation in the following calendar year, if any,
6 including the cost of any data collection and posting under subsection (e). If an amount
7 equal to the estimate is not provided to the Assistant Administrator by the districts on or
8 before December 31 of each year, (a) NOAA Fisheries shall have no obligation to conduct
9 the pilot program activities otherwise scheduled, and (b) the districts shall be prohibited
10 from conducting any aspect of the pilot program, until full payment is made by the districts.

11 (2) ACCOUNTING.—On or before September 1 of each calendar year, the Assistant
12 Administrator shall provide an accounting of the prior calendar year's expenses to the
13 participating entities. If the estimate paid by the districts was less than the actual costs
14 incurred by NOAA Fisheries, the districts shall have until September 30 of that calendar
15 year to pay the difference to the fund identified by the Assistant Administrator in subsection
16 (d)(1), or NOAA Fisheries shall have no obligation to conduct the pilot program activities
17 otherwise scheduled. If the estimate paid by the districts was greater than the actual costs
18 incurred by NOAA Fisheries, then a credit shall be provided to the districts, which shall be
19 deducted from the estimate payment the districts must make for the work performed by
20 NOAA Fisheries, if any, in the next calendar year.

21 (e) Reporting and Evaluation.—

22 (1) IN GENERAL.—On or before the 15th day of each month, the Assistant Administrator
23 shall post on the website of NOAA Fisheries a tabular summary of the raw data collected in
24 the prior month.

25 (2) REPORT.—On or before June 30 of the calendar year following the completion of the
26 program, the Assistant Administrator and districts shall jointly submit a report for peer
27 review that—

28 (A) discusses the findings and conclusions of the pilot program;

29 (B) synthesizes the data collected under paragraph (1); and

30 (C) makes recommendations for further study and action.

31 (f) Permits Process.—

32 (1) Not later than one year after filing of an application by the Assistant Administrator
33 and the districts, the Secretary of the Interior, the Secretary of Commerce, or both, as
34 appropriate, shall issue all necessary scientific research and species enhancement permits
35 under section 10(a)(1) of the Endangered Species Act (16 U.S.C. 153(9)(a)(1)), for the
36 performance of the pilot program.

37 (2) All permits issued shall be in the name of NOAA Fisheries and the participating
38 districts.

39 (3) Districts may delegate the authority to administer the permit authority to any qualified
40 private contractor retained in accordance with subsection (c).

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(g) Emergency Environmental Reviews.—To expedite this environmentally beneficial program for the conservation of threatened and endangered species, the Secretary of the Interior shall consult with the Council on Environmental Quality in accordance with Section 1506.11 of title 40, Code of Federal Regulations (including successor regulations) to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 for this section.

(h) Definitions.—For the purposes of this section:

(1) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of the Bureau of Reclamation.

(2) DISTRICTS.—The term ‘districts’ means the Oakdale Irrigation District and the South San Joaquin Irrigation District.

(3) PILOT PROGRAM.—The term ‘program’ means the pilot non-native predator removal program established under this section.

(i) Sunset.—The authorities provided under this section shall expire seven years after the implementation of the pilot program.

**SEC. 205. CALFED INVASIVE SPECIES PILOT PROJECTS
IN THE SACRAMENTO-SAN JOAQUIN BAY DELTA AND
ITS TRIBUTARIES.**

(a) FINDINGS.—Congress finds that—

(1) The Sacramento-San Joaquin Bay Delta and its Tributaries-

(A) is one of the largest and most diverse estuaries in the United States,

(B) is a natural treasure and a vital link in California’s water system, and

(C) has native biodiversity important to the ecological and economic systems of California, including water deliveries to agriculture, municipalities and to the environment and fisheries industries, and

(D) has river tributaries important for rearing of salmon and steelhead smolts which experience a high level of predation from non-native species.

(2) Past, present and future introductions of invasive species are and will be a major factor in the decline of native pelagic and anadromous endangered or threatened species in the Sacramento–San Joaquin Bay Delta and its tributaries.

(3) More than 250 nonnative aquatic and plant species have been introduced into the Delta and its tributaries; of these, at least 185 species have become established and have altered the Sacramento-San Joaquin Bay Delta watershed’s ecosystem.

(4) The Bay Delta Conservation Plan, the Recovery Plan for the Evolutionarily Significant Units of Sacramento River Winter-run Chinook Salmon and Central Valley Spring-run Chinook Salmon and the Distinct Population Segment of the Central Valley Steelhead, the Recovery Plan for the Sacramento-San Joaquin Delta Native Fishes, and the multiple 5 year reviews of those plans all highlight that introduced nonnative invasive species are a significant factor in the decline of native fish species. These nonnative species,

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which include invasive aquatic vegetation, predators, and competitors, directly or indirectly cause biological stress for pelagic and anadromous endangered or threatened fish species in the Sacramento-San Joaquin Bay-Delta and its tributaries.

(5) If threats by nonnative species to native fish species are not addressed, there is a probability that native species of the Sacramento-San Joaquin Bay-Delta watershed's pelagic and anadromous community will go extinct.

(6) The CALFED legislation (Public Law 108-361) authorized a program to prevent, control, and eradicate invasive species, but it has not been implemented to date.

(7) A focused pilot program needs to be conducted within the Delta and river tributaries to reduce threats to native listed species by nonnative species. Reducing nonnative stressors on native listed species will contribute to both native listed species recovery and lowering the impact on downstream water users as those native listed species recover.

(b) PILOT PROJECTS TO IMPLEMENT CALFED INVASIVE SPECIES PROGRAM.

(1) Not later than January 1, 2016, the Secretary of the Interior, in collaboration with the Secretary of Commerce and the Director of the California Department of Fish and Wildlife, shall begin pilot projects to implement the invasive species program, including prevention, control and eradication authorized pursuant to Section 103(d)(6)(A)(iv) of Public Law 108-361. The pilot projects shall:

(A) seek to reduce invasive aquatic vegetation, predators, and other competitors which are major factors in the decline of native listed pelagic and anadromous species that occupy the Sacramento and San Joaquin Rivers and their tributaries and the Sacramento-San Joaquin Bay-Delta; and

(B) address how to remove, reduce, or control the effects of species including: Asiatic clams, silversides, gobies, Brazilian water weed, largemouth bass, smallmouth bass, striped bass, crappie, bluegill, white and channel catfish, and brown bullheads.

(2) The Secretary of the Interior's efforts shall consist of the following phases:

(A) Phase 1. The Secretary of the Interior shall convene a panel of experts, including experts recommended by the State of California, to:

- (i) Identify the non-native species having the greatest impact on the viability of native pelagic and anadromous native listed species; and
- (ii) Identify the non-native species for which actions to reduce or control the population is determined to be possible; and
- (iii) Design a study to reduce the non-native species identified in clauses (i) and (ii) and prepare a cost estimate to implement this study.

(B) Phase 2. The Secretary of the Interior shall test the general viability of nonnative reduction methods, including either direct predator removal or alteration of channel conditions, or some combination thereof, through pilot projects at multiple sites in addition to the projects on the Stanislaus River pursuant to Section 204, including known hotspots of predator aggregation or activity, such as:

- (i) Clifton Court Forebay,
- (ii) Central Valley Project intakes,

Commented [A3]: Awaiting feedback from the agencies on whether the experts in an existing predation workshop would address the items outlined in clauses (i) through (iii) of subparagraph (A) in the proposed text.

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- (iii) Head of Old River,
- (iv) Georgiana Slough,
- (v) Old and Middle Rivers,
- (vi) Franks Tract,
- (vii) Paintersville Bridge,
- (viii) individual river tributaries important for wild populations of anadromous species listed as threatened or endangered under the Endangered Species Act of 1973,
- (ix) Human-made submerged structures, and
- (x) Salvage release sites.

(C) Phase 3. If it is feasible to do so, the Secretary of the Interior shall implement nonnative reduction methods at a larger number of sites, incorporating information learned during the first and second phase.

(3) The Secretary of the Interior shall collect data associated with the implementation of the projects above, and shall specifically collect data on the impact on

(A) pelagic and anadromous species listed as threatened or endangered under the Endangered Species Act of 1973,

(B) water quality, and

(C) water supply.

(4) After assessing the data described in subparagraph (2), the Secretary of the Interior, in collaboration with the Secretary of Commerce and the Director of the California Department of Fish and Wildlife, shall, if appropriate, annually recommend revisions to the reasonable and prudent alternatives contained in the salmonid biological opinion and the smelt biological opinion, or other administrative federal requirements governing the operation of the Central Valley Project and the State Water Project, that are likely to produce additional fishery, water quality, and water supply benefits.

(c) IMPLEMENTATION. The Secretary of the Interior shall implement the CALFED program described in subpart (b) for at least a period of seven consecutive years beginning on the date of implementation.

(d) REPORTING REQUIREMENTS. The Secretary of the Interior shall provide reports to the Senate Committee on Environment and Public Works and the House Committee on Natural Resources on the following:

(1) No later than January 1, 2016, a description of the projects described in subpart (b), including the application for all necessary scientific research and species enhancement permits under section 10(a) (1) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)), and for the performance of the CALFED invasive species Program.

(2) Upon the completion of Phase 1 as described in subsection (b)(1)(A), a report describing its implementation and cost effectiveness.

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(3) Two years after the project begins, a report describing the progress of the eradication of the nonnative species in the Sacramento-San Joaquin Bay-Delta and its tributaries and how such efforts have helped the Recovery Plans for endangered and threatened Anadromous and Pelagic Species in the Sacramento-San Joaquin Bay-Delta watershed and the associated cost effectiveness of each control measure.

(4) After the pilot projects are complete, a report describing the results of the program, including recommendations on whether the program should be continued, how the program may be taken to full scale in the most cost effective manner, and how a mitigation program for the Central Valley Project allowable under section 10(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)) could be implemented.

(e) EMERGENCY ENVIRONMENTAL REVIEWS. To expedite this environmentally beneficial program for the conservation of threatened and endangered species, the Secretary of the Interior shall consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (including successor regulations) to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 for this program.

SEC. 206. MARK FISHERY AND HARVEST MANAGEMENT.

To minimize the impact of harvest and project operations on salmonids, contribute to recovery of stocks of endangered or threatened species, improve management of fish stocks of both hatchery and natural origins, and to minimize risk of a natural origin fall Chinook listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Assistant Administrator shall

(1) in partnership with the Director of the California Department of Fish and Wildlife and persons responsible for funding Central Valley hatcheries, convene an independent science panel within 60 days of enactment of this Act to follow up on the 2012 California Hatchery Scientific Review Group's recommendations by providing an assessment of costs and benefits associated with marking, with tagging, and with a program that combines in some way marking and tagging Central Valley hatchery produced fall Chinook. The Assistant Administrator shall ensure that the independent science panel—

(A) Includes an appropriate number of scientific experts as determined and appointed by the Assistant Administrator, and an equal number of scientific experts selected by entities responsible for funding California salmon mitigation hatcheries;

(B) Considers and gives equal weight to both inland and ocean monitoring and management needs, including harvest.

(C) Completes the review by December 31, 2015.

(2) assess and implement harvest management strategies by October 1, 2018 to provide better protection for sensitive Chinook stocks while still allowing for harvest of hatchery fall Chinook.

SEC. 207. NEW ACTIONS TO BENEFIT CENTRAL

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VALLEY SALMONIDS.

Not later than March 1, 2016, under similar terms and conditions as successful United States Fish and Wildlife Service programs on Clear Creek and Battle Creek, the Director, in collaboration with the Director of the California Department of Fish and Wildlife, the Commissioner of the Bureau of Reclamation, or both, shall issue necessary permits and otherwise facilitate the deployment of temporary in-river structures—

(1) to protect and grow natural origin spring Chinook populations by blocking access to hatchery origin fall Chinook; and

(2) to prevent hatchery origin Chinook salmon and steelhead from reaching spawning grounds where the species will compete for spawning with natural origin fish listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

TITLE III—OPERATIONAL FLEXIBILITY AND DROUGHT RELIEF

SEC. 301. FINDINGS.

Congress finds that—

(1) Based on the congressional findings in Sec. 2 of this Act, it is appropriate and necessary for federal agencies to exercise the maximum amount of flexibility provided to them under the applicable laws and regulations to maximize delivery of water supplies while providing the same or better levels of protection for species.

SEC. 302. DEFINITIONS.

In this title:

(1) **CENTRAL VALLEY PROJECT.**—The term “Central Valley Project” has the meaning given the term in section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4707).

(2) **KLAMATH PROJECT.**—The term “Klamath Project” means the Bureau of Reclamation project in the States of California and Oregon, as authorized under the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(3) **RECLAMATION PROJECT.**—The term “Reclamation Project” means a project constructed pursuant to the authorities of the reclamation laws and whose facilities are wholly or partially located in the State.

(4) **SECRETARIES.**—The term “Secretaries” means—

(A) the Administrator of the Environmental Protection Agency;

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- (B) the Secretary of Agriculture;
(C) the Secretary of Commerce; and
(D) the Secretary of the Interior.

(5) STATE WATER PROJECT.—The term “State Water Project” means the water project described by California Water Code section 11550 et seq., and operated by the California Department of Water Resources.

SEC. 303. OPERATIONAL FLEXIBILITY IN TIMES OF DROUGHT.

(a) Water Supplies.—

(1) IN GENERAL.—In response to a declaration of a state of drought emergency by the Governor of California and for the period of time such a drought declaration remains in effect, the Secretaries shall provide the maximum quantity of water supplies practicable to Central Valley Project agricultural, municipal and industrial, and refuge service and repayment contractors, State Water Project contractors, and any other tribe, locality or municipality in the State, by approving, consistent with applicable laws (including regulations), projects and operations to provide additional water supplies as quickly as practicable based on available information to address the emergency conditions.

(2) APPLICATION.—Paragraph (1) applies to projects or operations involving the Klamath Project if the projects or operations would benefit Federal water contractors in the State.

(b) Administration.—In carrying out subsection (a), the Secretaries shall, consistent with applicable laws (including regulations)—

(1) issue all necessary permit decisions under the authority of the Secretaries not later than 30 days after the date on which the Secretaries receive a completed application from the State to place and use temporary barriers or operable gates in Delta channels to improve water quantity and quality for the State Water Project and the Central Valley Project south of Delta water contractors and other water users, on the condition that the barriers or operable gates—

(A) provide benefits for species protection and in-Delta water user water quality; and

(B) are designed so that formal consultations under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) are not necessary;

(2) require the Director of the United States Fish and Wildlife Service and the Commissioner of Reclamation—

(A) to complete, not later than 30 days after the date on which the Director or the Commissioner receives a complete written request for water transfer associated with voluntarily fallowing nonpermanent crops in the State, all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) necessary to make final permit decisions on the request; and

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(B) to grant any water transfer request described in subparagraph (A) to maximize the quantity of water supplies available for nonhabitat uses, on the condition that the following and associated water transfer are in compliance with applicable Federal laws (including regulations);

(3) adopt a 1:1 inflow to export ratio for the increment of increased flow of the San Joaquin River, as measured as a 3-day running average at Vernalis during the period beginning on April 1, and ending on May 31, resulting from voluntary ~~sale, transfers, or and~~ exchanges of water ~~from agencies with rights to divert water from the San Joaquin River or its tributaries, supplies, on the condition that a proposed transfer or exchange under this paragraph may only proceed if the Secretary of the Interior determines that the environmental effects of the proposed transfer or exchange are consistent with effects permissible under applicable law (including regulations), and provided that~~ Delta conditions are suitable to allow movement of the ~~acquired, transfer, transferred, or exchanged~~ water through the Delta consistent with ~~the Central Valley Project's and the State Water Project's Reclamation's~~ permitted ~~water~~ rights; and

(4) Provide additional priority for eligible WaterSMART projects that address drought conditions including projects that—

(A) provide emergency drinking and municipal water supplies to localities in a quantity necessary to meet minimum public health and safety needs;

(B) prevent the loss of permanent crops;

(C) minimize economic losses resulting from drought conditions; or

(D) provide innovative water conservation tools and technology for agriculture and urban water use that can have immediate water supply benefits.

(c) Accelerated Project Decision and Elevation.—

(1) IN GENERAL.— On request by the Governor of the State, the heads of Federal agencies shall use the expedited procedures under this subsection to make final decisions relating to a Federal project or operation if the project's or operation's purpose is to provide relief for emergency drought conditions pursuant to subsections (a) and (b).

(2) REQUEST FOR RESOLUTION.—

(A) IN GENERAL.—On request by the Governor of the State, the head of a Federal agency referenced in paragraph (1), or the head of another Federal agency responsible for carrying out a review of a project, as applicable, the Secretary of the Interior shall convene a final project decision meeting with the heads of all relevant Federal agencies to decide whether to approve a project to provide relief for emergency drought conditions.

(B) MEETING.—The Secretary of the Interior shall convene a meeting requested under subparagraph (A) not later than 7 days after the date on which the meeting request is received.

(3) NOTIFICATION.—On receipt of a request for a meeting under paragraph (2), the Secretary of the Interior shall notify the heads of all relevant Federal agencies of the request, including information on the project to be reviewed and the date of the meeting.

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(4) DECISION.—Not later than 10 days after the date on which a meeting is requested under paragraph (2), the head of the relevant Federal agency shall issue a final decision on the project, subject to subsection (e)(2).

(5) MEETING CONVENED BY SECRETARY.—The Secretary of the Interior may convene a final project decision meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under paragraph (2).

(d) Application.—To the extent that a Federal agency, other than the agencies headed by the Secretaries, has a role in approving projects described in subsections (a) and (b), this section shall apply to those Federal agencies.

(e) Limitation.—Nothing in this section authorizes the heads of applicable Federal agencies to approve projects—

(1) that would otherwise require congressional authorization; or

(2) without following procedures required by applicable law.

(f) 2015 Drought Plan. The Secretaries of Commerce and the Interior, in consultation with appropriate State officials, shall develop a drought operations plan for the duration of the existing drought emergency 2015 that is consistent with the provisions of this section and other provisions of this Act intended to provide additional water supplies that could be of assistance during the current drought.

SEC. 304. OPERATION OF CROSS-CHANNEL GATES.

(a) In General.—The Secretary of Commerce and the Secretary of the Interior shall jointly—

(1) authorize and implement activities to ensure that the Delta Cross Channel Gates remain open to the maximum extent practicable using findings from the United States Geological Survey on diurnal behavior of juvenal salmonids, timed to maximize the peak flood tide period and provide water supply and water quality benefits for the duration of the drought emergency declaration of the State, consistent with operational criteria and monitoring criteria developed pursuant to the Order Approving a Temporary Urgency Change in License and Permit Terms in Response to Drought Conditions of the California State Water Resources Control Board, effective January 31, 2014 (or a successor order) and other authorizations associated with it;

(2) with respect to the operation of the Delta Cross Channel Gates described in paragraph (1), collect data on the impact of that operation on—

(A) species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) water quality; and

(C) water supply;

(3) consistent with knowledge gained from activities carried out during 2014, collaborate with the California Department of Water Resources to install a deflection barrier at Georgiana Slough in coordination with Delta Cross Channel Gate diurnal operations to protect migrating salmonids;

Commented [A4]: Agencies are investigating the feasibility of diurnal operations.

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(4) evaluate the combined salmonid survival in light of activities carried out pursuant to paragraphs (1) through (3) in deciding how to operate the Delta Cross Channel gates to enhance salmonid survival and water supply benefits; and

(5) not later than May 15, 2015, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a written report on the extent to which the gates are able to remain open.

(b) Recommendations.—After assessing the information collected under subsection (a), the Secretary of the Interior shall recommend revisions to the operation of the Delta Cross-Channel Gates, to the Central Valley Project, and to the State Water Project, including, if appropriate, any reasonable and prudent alternative contained in the biological opinion issued by the National Marine Fisheries Service on June 4, 2009, that are likely to produce fishery, water quality, and water supply benefits. The Secretary shall also coordinate with the State Water Resources Control Board to seek consistent direction for the operation of the Delta Cross-Channel Gates under federal and state law, including Water Right Decision 1641.

SEC. 305. FLEXIBILITY FOR EXPORT/INFLOW RATIO.

In response to the declaration of a state of drought emergency by the Governor of California and for the period of time such a drought declaration remains in effect, the Commissioner of the Bureau of Reclamation shall continue to vary the averaging period of the Delta Export/Inflow ratio pursuant to the California State Water Resources Control Board decision D1641, approved in the March Temporary Urgency Change Order—

(1) to operate to a 35 percent Export/Inflow ratio with a 3 day averaging period on the rising limb of a Delta inflow hydrograph; and

(2) to operate to a 14 day averaging period on the falling limb of the Delta inflow hydrograph.

SEC. 306. EMERGENCY ENVIRONMENTAL REVIEWS.

To minimize the time spent carrying out environmental reviews and to deliver water quickly that is needed to address emergency drought conditions in the State during the duration of an emergency drought declaration, the head of each applicable Federal agency shall, in carrying out this Act, consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (including successor regulations), to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) during the emergency.

SEC. 307. PRIORITIZING STATE REVOLVING FUNDS DURING DROUGHTS.

(a) In General.—This section shall apply for each of the fiscal years during which an emergency drought declaration of the State is in effect.

(b) The Administrator of the Environmental Protection Agency, in implementing the processes and programs under the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act

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(42 U.S.C. 300j–12), shall, for those projects that are eligible to receive assistance under section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) or section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)),

(1) issue a determination of waivers within 30 days of the conclusion of the informal public comment period pursuant to section 436(c) of title IV of division G of Public Law 113–76; and

(2) authorize, at the request of the State, 40-year financing for assistance under section 603(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)(2)) or section 1452(f)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(f)(2)).

(c) Effect of Section.—Nothing in this section authorizes the Administrator of the Environmental Protection Agency to modify any funding allocation, funding criteria, or other requirement relating to State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for any other State.

SEC. 308. INCREASED FLEXIBILITY FOR REGULAR PROJECT OPERATIONS.

The Secretaries shall, consistent with applicable laws (including regulations)—

(1) to the maximum extent practicable, based on the availability of water and without causing land subsidence or violating water quality standards—

(A) help meet the contract water supply needs of Central Valley Project refuges through the improvement or installation of water conservation measures, water conveyance facilities, and wells to use groundwater resources, on the condition that those activities may only be accomplished by using funding made available under the Water Assistance Program or the WaterSMART program of the Department of the Interior; and

(B) make available to Central Valley Project contractors a quantity of Central Valley Project surface water obtained from the activities carried out under subparagraph (A);

(2) contingent upon funding, in coordination with the Secretary of Agriculture, enter into an agreement with the National Academy of Sciences to conduct a comprehensive study, to be completed not later than 1 year after the date of enactment of this Act, on the effectiveness and environmental impacts of saltcedar biological control efforts on increasing water supplies and improving riparian habitats of the Colorado River and its principal tributaries, in the State and elsewhere;

(3) in coordination with the California Department of Water Resources and the California Department of Fish and Wildlife, implement offsite upstream projects in the Delta and upstream Sacramento River and San Joaquin basins that offset the effects on species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) due to activities carried out pursuant this Act, as determined by the Secretaries;

(4) manage reverse flow in the Old and Middle Rivers as prescribed by the biological opinions issued by the United States Fish and Wildlife Service on December 15, 2008, for

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Delta smelt and by the National Marine Fisheries Service on June 4, 2009, for salmonids, or any successor biological opinions, to minimize water supply reductions for the Central Valley Project and the State Project, and issue guidance no later than December 31, 2015 directing their employees to take all steps necessary to manage flow in accordance with this paragraph;

(5) as soon as practicable after the date of enactment of this Act and pursuant to existing authority available to the Secretary of the Interior, participate in, issue grants, or otherwise provide funding for pilot projects to increase water in reservoirs in regional river basins experiencing extreme, exceptional, or sustained drought that have a direct impact on the water supply of the State, including the Colorado River Basin, on the condition that any participation, grant, or funding by the Secretary of the Interior with respect to the Upper Division shall be with or to the respective State; and

(6) use all available scientific tools to identify any changes to real-time operations of the Bureau of Reclamation, State, and local water projects that could result in the availability of additional water supplies.

**SEC. 309. TEMPORARY OPERATIONAL FLEXIBILITY
FOR FIRST FEW STORMS OF 2015 WATER YEAR.**

(a) Findings:

(1) During the 2014 water year, operations of the Central Valley Project and the State Water Project, the incidental take of adult Delta smelt was zero; of juvenile Delta smelt, 78 (7.7% of the incidental take limit); of winter run chinook, 339 (1.4% of the incidental take limit); of spring run chinook, zero; and of steelhead, 261 (8.7% of the incidental take limit).

(2) The Central Valley Project and State Water Project exceeded a Old and Middle River flow of -5,000 cubic feet per second over a 14-day average for brief periods after three storm events in February and March 2014, as a result of increased pumping, but did not cause substantially increased take of smelt or salmon.

(3) Hydrological conditions in dry years, such as the 2014 water year, have not triggered water pumping restrictions pursuant to the ~~2008~~ smelt biological opinion.

(4) The Secretaries should be allowed more flexibility to increase pumping levels without causing significant risk to the listed species or weakening other environmental protections.

(5) Given California's severe drought conditions, significant groundwater withdrawals for irrigation due to lack of surface water supplies, and the depletion of water supplies in reservoirs, it is imperative that the Secretaries exercise the flexibility provided herein to capture the maximum amount of storm flows when and if they occur in the 2015 water year, and provide for the diversion of those supplies to the Central Valley Project and State Water

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Project so that farms, businesses, and homes in drought-stricken areas will have an opportunity to bolster their meager supplies when water is available.

(b) In general. Consistent with avoiding additional adverse effects upon listed fish species beyond the range of those authorized under the Endangered Species Act and other environmental protections under subsection (e), the Secretaries shall authorize the Central Valley Project and the State Water Project, combined, to operate at levels that result in Old and Middle River flows at up to -7500 cubic feet per second (based on United States Geological Survey gauges on Old and Middle Rivers) daily average for up to 21 cumulative days after October 1, 2014, as described in subsection (c).

(c) Days of temporary operational flexibility. The temporary operational flexibility described in subsection (b) shall be authorized on days that the California Department of Water Resources determines the daily average river flow of the Sacramento River is at, or above, 17,000 cubic feet per second as measured at the Sacramento River at Freeport gauge maintained by the United States Geologic Survey.

(d) Compliance with ESA authorizations. In carrying out this section, the Secretaries may continue to impose any requirements under the biological opinions during any period of temporary operational flexibility as they determine are reasonably necessary to avoid additional adverse effects on listed fish species beyond the range of those authorized under the Endangered Species Act.

(e) Other environmental protections.

(1) The Secretaries' actions under this section shall be consistent with applicable regulatory requirements under state law, including State Water Resources Control Board Decision 1641, as it may be implemented in any given year;

(2) During the first flush of sediment out the Delta during the 2015 water year, OMR flow may be managed at rates less negative than -5000 cubic feet per second for a minimum duration to avoid movement of adult Delta smelt (*Hypomesus transpacificus*) to areas in the southern Delta that would be likely to increase entrainment at Central Valley Project and State Water Project pumping plants;

(3) This section shall not have any effect on the applicable requirements of the salmonid biological opinion from April 1 to May 31, unless the Secretary of Commerce finds that some or all of such applicable requirements may be adjusted during this time period to provide emergency water supply relief without resulting in additional adverse effects beyond those authorized under the Endangered Species Act.

(4) During operations under this section, the Commissioner of Reclamation, in coordination with the Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife, shall undertake a monitoring program and other data gathering to insure take limits levels are not exceeded, and to identify potential negative impacts and actions necessary to mitigate any impacts of the temporary operational flexibility to species listed as threatened or endangered under the Endangered Species Act, 16 U.S.C. 1531-1544; and

(5) The Commissioner is authorized to take any action, including the transfer of appropriated funds between accounts that, in the Commissioner's judgment, are necessary to

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mitigate the impacts of such operations as long as any such mitigation is consistent with the requirements of this section.

(f) Technical adjustments to target period. If, before temporary operational flexibility has been implemented on 21 cumulative days, the Secretaries operate the Central Valley Project and the State Water Project combined at levels that result in Old and Middle River flows less negative than -7500 cubic feet per second during days of temporary operational flexibility as defined in subsection (c), the duration of such operation shall not be counted toward the 21 cumulative days specified in subsection (b).

(g) Emergency consultation; effect on running averages.

(1) If necessary to implement the provisions of this section, the Commissioner shall use the emergency consultation procedures under the Endangered Species Act and its implementing regulation at 50 CFR 402.05 to temporarily adjust the operating criteria under the biological opinions, solely for the 21 days of temporary operational flexibility—

(A) no more than necessary to achieve the purposes of this section consistent with the environmental protections in subsections (d) and (e); and

(B) including, as appropriate, adjustments to ensure that the actual flow rates during the periods of temporary operational flexibility do not count toward the 5-day and 14-day running averages of tidally filtered daily Old and Middle River flow requirements under the biological opinions.

(2) Following the conclusion of the 21 days of temporary operational flexibility, the Commissioner shall not reinitiate consultation on these adjusted operations if the effects on listed fish species of these operations under this section remain within the range of those authorized under the Endangered Species Act.

(h) Level of detail required for analysis. In articulating the determinations required under this section, the Secretaries shall fully satisfy the requirements herein but shall not be expected to provide a greater level of supporting detail for the analysis than feasible to provide within the short time frame permitted for timely decision-making in response to changing conditions in the Delta.

(i) Duration. This section shall expire on September 30, 2015.

SEC. 310. EXPEDITING WATER TRANSFERS.

(a) In General.—Section 3405(a) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4709(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (4) through (6), respectively;

(2) in the matter preceding paragraph (4) (as so designated)—

(A) in the first sentence, by striking “In order to” and inserting the following:

“(1) IN GENERAL.—In order to”; and

(B) in the second sentence, by striking “Except as provided herein” and inserting the following:

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“(3) TERMS.—Except as otherwise provided in this section”; and

(3) by inserting before paragraph (3) (as so designated) the following:

“(2) EXPEDITED TRANSFER OF WATER.—The Secretary shall take all necessary actions to facilitate and expedite transfers of Central Valley Project water in accordance with—

“(A) this Act;

“(B) any other applicable provision of the reclamation laws; and

“(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”;

(4) in paragraph (4) (as so designated)—

(A) in subparagraph (A), by striking “to combination” and inserting “or combination”; and

(B) by striking “3405(a)(2) of this title” each place it appears and inserting “(5)”;

(5) in paragraph (5) (as so designated), by adding at the end the following:

“(E) The contracting district from which the water is coming, the agency, or the Secretary shall determine if a written transfer proposal is complete within 45 days after the date of submission of the proposal. If the contracting district or agency or the Secretary determines that the proposal is incomplete, the district or agency or the Secretary shall state with specificity what must be added to or revised for the proposal to be complete.”; and

(6) in paragraph (6) (as so designated), by striking “3405(a)(1)(A)-(C), (E), (G), (H), (I), (L), and (M) of this title” and inserting “(A) through (C), (E), (G), (H), (I), (L), and (M) of paragraph (4)”.

(b) Conforming Amendments.—The Central Valley Project Improvement Act (Public Law 102–575) is amended—

(1) in section 3407(c)(1) (106 Stat. 4726), by striking “3405(a)(1)(C)” and inserting “3405(a)(4)(C)”;

(2) in section 3408(i)(1) (106 Stat. 4729), by striking “3405(a)(1) (A) and (J) of this title” and inserting “subparagraphs (A) and (J) of section 3405(a)(4)”

SEC. 311. WARREN ACT CONTRACTS.

[To be supplied.]

SEC. 312. ADDITIONAL WARREN ACT CONTRACTS.

[To be supplied.]

TITLE IV—INCREASING WATER STORAGE

SEC. 401. FINDINGS.

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Congress finds that—

(1) the record drought conditions being experienced in the State as of the date of enactment of this Act are—

(A) expected to recur in the future; and

(B) likely to do so with increasing frequency;

(2) water storage is an indispensable and integral part of any solution to address the long-term water challenges of the State;

(3) Congress authorized relevant feasibility studies for 4 water storage projects in the State, including projects for—

(A) enlargement of Shasta Dam in Shasta County under section 2(a) of Public Law 96–375 (94 Stat. 1506), as reaffirmed under section 103(d)(1)(A)(i)(I) of Public Law 108–361 (118 Stat. 1684);

(B) enlargement of Los Vaqueros Reservoir in Contra Costa County under section 215 of Public Law 108–7 (117 Stat. 147), as reaffirmed under section 103(d)(1)(A)(i)(II) of Public Law 108–361 (118 Stat. 1684);

(C) construction of North-of-Delta Offstream Storage (Sites Reservoir) in Colusa County under section 215 of Public Law 108–7 (117 Stat. 147), as reaffirmed under section 103(d)(1)(A)(ii)(I) of Public Law 108–361 (118 Stat. 1684); and

(D) construction of the Upper San Joaquin River storage (Temperance Flat) in Fresno and Madera Counties under section 215 of Public Law 108–7 (117 Stat. 147), as reaffirmed under section 103(d)(1)(A)(ii)(II) of Public Law 108–361 (118 Stat. 1684);

(4) (A) as of the date of enactment of this Act, it has been more than 10 years since the authorization of the feasibility studies referred to in paragraph (3); but

(B) complete and final feasibility studies have not been prepared for any of those water storage projects;

(5) as of August 2014, only 2 of the 4 projects referred to in paragraph (3) have completed draft feasibility studies;

(6) the slow pace of work on completion of the feasibility studies for those 4 water storage projects is—

(A) unjustified; and

(B) of deep concern; and

(7) there is significant public interest in, and urgency with respect to, completing all feasibility studies and environmental reviews for the water storage projects referred to in paragraph (3), given the critical need for that infrastructure to address the water challenges of the State.

SEC. 402. CALFED STORAGE FEASIBILITY STUDIES.

(a) In General.—Notwithstanding subparagraph (B)(i) of section 103(d)(1) of Public Law

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108-361 (118 Stat. 1684), the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this title as the “Secretary”), shall complete a final feasibility study and any other applicable environmental review documents for the project described in—

(1) subparagraph (A)(i)(I) of that section by not later than December 31, 2014;

(2) subparagraph (A)(ii)(II) of that section by not later than July 31, 2015.

(b) Environmental Reviews.—In carrying out subsection (a), the Secretary—

(1) shall ensure that—

(A) all applicable reviews, including reviews required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), are completed as expeditiously as practicable; and

(B) the shortest applicable process under that Act is used, including in the completion of—

(i) feasibility studies;

(ii) draft environmental impact statements; and

(iii) final environmental impact statements; and

(2) shall not be required to complete a draft or final environmental impact statement if the Commissioner of Reclamation determines, and the Secretary concurs, that the project fails to meet applicable Federal cost-benefit requirements or standards.

(c) Accountability.—

(1) If the Bureau of Reclamation determines that an environmental review document for the water storage projects referenced in of Section 103(d)(1) of P.L. 108-361 will not be completed according to the schedule specified in subsection (a), the Bureau shall notify the Senate Committee on Energy and Natural Resources, the Senate Appropriations Subcommittee on Energy and Water Development, and the House of Representatives Transportation and Infrastructure Committee within 14 days of the determination. The notification shall include:

(A) An explanation of the delay;

(B) The anticipated length of the delay and the revised completion date;

(C) The steps that the Bureau will take to mitigate the delay, including, but not limited to, a request to reprogram existing funds appropriated to the Bureau to meet the revised completion deadline.

(2) The Bureau of Reclamation shall carry out the procedures in subsection (a) for each subsequent delay beyond the revised completion deadline.

SEC. 403. WATER STORAGE PROJECT CONSTRUCTION.

(a) The Secretary, acting through the Commissioner of the Bureau of Reclamation, may partner or enter into an agreement on the water storage projects identified in section 103(d)(1) of the Water Supply Reliability and Environmental Improvement Act (Public Law 108-361) (and Acts supplemental and amendatory to the Act) with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments

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within the applicable hydrologic region, to advance those projects.

(b) [PLACEHOLDER FOR AUTHORIZATION ISSUE]

SEC. 404. OTHER STORAGE FEASIBILITY STUDIES.

(a) Definition of Qualifying Project.—In this section, the term “qualifying project” means new surface water storage projects constructed on lands administered by the Department of the Interior in a State in which the Bureau of Reclamation has jurisdiction, exclusive of any easement, right-of-way, lease, or any private holding.

(b) Lead Agency.—

(1) QUALIFYING PROJECTS WITHIN JURISDICTION OF BUREAU OF RECLAMATION.—The Bureau of Reclamation shall serve as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, and other approvals or decisions required under Federal law (including regulations) to construct qualifying projects within the jurisdiction of the Bureau.

(2) QUALIFYING PROJECTS OUTSIDE JURISDICTION OF BUREAU OF RECLAMATION.—If the site of a qualifying project is not located in a State in which the Bureau of Reclamation has jurisdiction, the Secretary shall, by not later than 45 days after the date of receipt of an application for the qualifying project—

(A) designate an alternate agency within the Department of the Interior to serve as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, and other approvals or decisions required under Federal law (including regulations) to construct the qualifying project; or

(B) in consultation with the heads of other Federal departments and agencies, identify the appropriate lead agency for the qualifying project.

(c) Cooperating Agencies.—

(1) FEDERAL DEPARTMENTS AND AGENCIES.—The lead agency designated under paragraph (1) or (2) of subsection (b) shall—

(A) as soon as practicable after receipt of an application for a qualifying project, identify any Federal department or agency that may have jurisdiction over a review, permit, license, approval, or decision required for the qualifying project under applicable Federal laws (including regulations); and

(B) as soon as practicable after the date of identification under subparagraph (A)—

(i) notify each applicable department or agency of the identification; and

(ii) designate the department or agency as a cooperating agency, unless the department or agency—

(I) has no jurisdiction or authority with respect to the qualifying project;

(II) has no expertise or information relevant to the qualifying project or any review, permit, license, approval, or decision associated with the qualifying project; or

(III) does not intend—

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(aa) to submit comments regarding the qualifying project; or

(bb) to conduct any review of the qualifying project or make any decision with respect to the qualifying project in a manner other than in cooperation with the Bureau of Reclamation.

(2) STATES.—A State in which a qualifying project is proposed to be carried out may elect, consistent with Federal and State law, to participate as a cooperating agency, if the lead agency designated for the proposed qualifying project under paragraph (1) or (2) of subsection (b) determines that the applicable agency of the State—

(A) has jurisdiction over the qualifying project under applicable Federal or State law;

(B) is required to conduct or issue a review of the qualifying project; and

(C) is required to make a determination regarding issuing a permit, license, or approval of the qualifying project.

(d) Duties of Lead Agency.—

(1) IN GENERAL.—Not later than 30 days after the date of receipt of an application for approval of a qualifying project, the lead agency shall hold a meeting among the applicant, the lead agency, and all cooperating agencies to establish, with respect to the qualifying project, all applicable—

(A) requirements;

(B) review processes; and

(C) stakeholder responsibilities.

(2) SCHEDULE.—

(A) ESTABLISHMENT.—Not later than 30 days after the date of the meeting under paragraph (1), the lead agency, in consultation with the attendees of the meeting, shall establish a schedule for completion of the qualifying project, taking into consideration, among other relevant factors—

(i) the responsibilities of cooperating agencies under applicable laws and regulations;

(ii) the resources available to the cooperating agencies and non-Federal project stakeholders;

(iii) the overall size and complexity of the qualifying project;

(iv) the overall schedule for, and cost of, the qualifying project; and

(v) the sensitivity of the natural and historic resources that may be affected by the qualifying project.

(B) REQUIREMENTS.—On establishment of a schedule for a qualifying project under subparagraph (A), the lead and cooperating agencies shall—

(i) to the maximum extent practicable, adhere to the schedule; and

(ii) submit to the Committee on Environment and Public Works of the Senate

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and the Committee on Natural Resources of the House of Representatives on a semiannual basis a report describing any delays in the schedule, including a description of—

(I) the reasons for the delay;

(II) the actions that the lead and cooperating agencies will take to minimize the delay; and

(III) a revised schedule for the qualifying project, if applicable.

(e) Environmental Reviews.—

(1) SINGLE, UNIFIED ENVIRONMENTAL REVIEW DOCUMENT.—

(A) IN GENERAL.—The lead agency with respect to a qualifying project, in consultation with appropriate stakeholders and cooperating agencies, shall determine whether a single, unified environmental review document relating to the qualifying project is sufficient to comply with applicable Federal laws (including regulations), including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) ACTION ON DECLINATION.—If, after consultation under subparagraph (A), a lead agency determines not to adopt a single, unified environmental review document relating to a qualifying project—

(i) the lead agency shall—

(I) document the reasons for the determination; and

(II) submit to the Secretary a report describing those reasons; and

(ii) the Secretary may require the adoption of a single, unified document at the discretion of the Secretary, based on good cause.

(2) ENVIRONMENTAL ASSESSMENT.—Except as provided under paragraph (4), if the lead agency with respect to a qualifying project, in consultation with cooperating agencies, determines that an environmental assessment is sufficient to comply with the requirements of this subsection and other applicable Federal laws (including regulations)—

(A) the public comment period for a draft environmental assessment shall be no more than 60 days after publication in the Federal Register of notice of the public issuance of that draft; and

(B) the lead agency shall issue the final environmental assessment by not later than 180 days after the end of the period for public comments on the draft environmental assessment.

(3) ENVIRONMENTAL IMPACT STATEMENT.— Except as provided under paragraph (4), if the lead agency with respect to a qualifying project, in consultation with cooperating agencies, determines that an environmental impact statement is required to comply with the requirements of this subsection and other applicable Federal laws (including regulations)—

(A) the public comment period for a draft environmental impact statement shall be no more than 60 days after publication in the Federal Register of notice of the public issuance of that draft; and

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(B) the lead agency shall issue the final environmental impact statement by not later than 1 year after the end of the period for public comments on the draft environmental impact statement.

(4) MODIFICATION OF SCHEDULE.—In carrying out paragraphs (2) and (3),

(A) the lead agency with respect to a qualifying project may modify the schedule of the qualifying project if:

(i) the Federal lead agency can demonstrate good cause, such as the need for additional time to comply with other statutory or regulatory requirements other than the National Environmental Policy Act of 1969, and the head of that agency submits to Congress a written determination describing the cause and reasons for the modification no less than 30 days before the original scheduled deadline; or

(ii) the Federal lead agency, the project sponsor, the joint lead agency (as applicable), and all participating and cooperating agencies agree to such modification.

(B) no modification pursuant to subparagraph (4)(A) shall postpone the issuance of a final environmental assessment by more than 1 year, or a final environmental impact statement by more than 2 years, unless the conditions under (4)(A)(i) or (4)(A)(ii) are met.

(C) If a modification occurs pursuant to this paragraph, the Federal lead agency shall issue and adhere to the revised schedule unless the conditions under (4)(A)(i) or (4)(A)(ii) are met.

(5) REQUIREMENTS.—On commencement of the environmental review process under this subsection, the lead and cooperating agencies shall, as soon as practicable—

(A) make available to all stakeholders of the qualifying project information regarding—

(i) the environmental and socioeconomic resources located within the area of the qualifying project; and

(ii) the general locations of the alternatives under consideration; and

(B) identify any issues of concern regarding the potential environmental or socioeconomic effects of the qualifying project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for a study relating to the qualifying project.

(f) Concurrent Review Actions.—

(1) IN GENERAL.—Any review, analysis, permit, license, approval, or decision regarding a qualifying project made by a Federal, State, or local government agency shall be—

(A) conducted, to the maximum extent practicable, concurrently with any other applicable government agency; and

(B) incorporated in the schedule for the qualifying project under subsection (d)(2).

(2) REQUIREMENT.—The lead and cooperating agencies for a qualifying project shall formulate and implement administrative, policy, and procedural mechanisms to enable

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adherence to the schedule for the qualifying project in a timely, coordinated, and environmentally responsible manner.

(3) GUIDANCE.—The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that, to the maximum extent practicable—

(A) eliminates repetitive discussions of the same issues;

(B) focuses on the actual issues ripe for analysis at each level of review;

(C) establishes a formal process for coordinating with participating and cooperating agencies, including the establishment of a list of all data required to carry out an environmental review process; and

(D) complies with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and all other applicable laws and regulations.

(g) Administrative Record and Data Management.—

(1) IN GENERAL.—The lead agency shall—

(A) be responsible for compiling the administrative record of the information used as the basis for decisions relating to a qualifying project; and

(B) to the maximum extent practicable and consistent with Federal law, make available all data regarding the qualifying project in a format that is accessible via electronic means for project stakeholders, cooperating agencies, and the public.

(2) REPORTS.—Not less frequently than once each year, the lead agency shall submit a progress report regarding a qualifying project to project stakeholders, cooperating agencies, the Committee on Environment and Public Works of the Senate, and the Committee on Natural Resources of the House of Representatives.

(h) Participation by Non-Federal Project Sponsors.—

(1) APPLICATION TO SERVE AS COOPERATING AGENCY.—A non-Federal sponsor of a qualifying project may submit to the lead Secretary an application to serve as a cooperating agency of the qualifying project for purposes of preparing any necessary documents relating to the qualifying project, including an environmental review, if—

(A) the non-Federal sponsor is a public agency as defined under the laws of the state in which the agency is located;

(B) the non-Federal sponsor agrees to adhere to—

(i) all required Federal laws (including regulations) in carrying out the qualifying project; and

(ii) all decisions regarding the qualifying project that have been agreed on by other stakeholders of the qualifying project; and

(C) the applicable lead agency certifies that participation by the non-Federal sponsor will not inappropriately bias the qualifying project in favor of the non-Federal sponsor.

(2) FUNDS.—Any funds contributed by a non-Federal sponsor to a qualifying project—

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(A) may be accepted to maintain or accelerate progress on the qualifying project, subject to the condition that the Secretary shall—

(i) review the use of the funds; and

(ii) certify in writing that the funds—

(I) are used solely to complete applicable environmental reviews; and

(II) do not unduly influence any permit or approval decision regarding the qualifying project; and

(B) shall be applied toward the non-Federal cost-share of the qualifying project.

(i) **Applicability to Calfed Storage Studies.**—For any feasibility study referred to in section 401(3), this section shall apply to all activities to be carried out under the study on or after the date of enactment of this Act that would lead to congressional authorization of an applicable project for construction.

SEC. 405. DAM SAFETY PROJECTS WITH INCREASED STORAGE COMPONENT.

(a) **Additional Project Benefits.**—The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 3 (43 U.S.C. 507), by striking “Construction” and inserting “Except as provided in section 5B, construction”; and

(2) by inserting after section 5A (43 U.S.C. 509a) the following:

“SEC. 5B. ADDITIONAL PROJECT BENEFITS.

“(a) **In General.**—Notwithstanding section 3, if the Secretary, in the judgment of the Secretary, makes a determination described in subsection (b), the Secretary is authorized to develop any additional project benefit—

“(1) through the construction of new or supplementary works on a project in conjunction with the activities carried out by the Secretary pursuant to section 2; and

“(2) subject to the conditions described in the feasibility study relating to the project.

“(b) **Description of Determination.**—A determination referred to in subsection (a) is a determination by the Secretary that—

“(1) an additional project benefit, including but not limited to additional conservation storage capacity, is—

“(A) necessary; and

“(B) in the interests of the United States; and

“(2) the project benefit proposed to be carried out is—

“(A) feasible; and

“(B) not inconsistent with the purposes of this Act.

“(c) **Requirements.**—The costs associated with developing an additional project benefit under

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this section shall be—

“(1) allocated to entity or entities benefitting from the additional conservation storage capacity, subject to agreement between the state and federal funding agencies on such allocations; and

“(2) repaid in accordance with all applicable provisions of Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).”.

(b) San Luis Reservoir Expansion.—Section 103(f)(1)(A) of Public Law 108–361 (118 Stat. 1694) is amended—

(1) by striking “Funds” and inserting the following:

“(i) IN GENERAL.—Funds”; and

(2) by adding at the end the following:

“(ii) ENVIRONMENTAL REVIEWS AND FEASIBILITY STUDY.—The Commissioner of Reclamation shall submit to Congress—

“(I) an expansion draft environmental impact statement and feasibility study relating to the San Luis Reservoir by not later than April 1, 2016; and

“(II) a final environmental impact statement relating to the San Luis Reservoir by not later than December 31, 2016.”.

**SEC. 406. UPDATING WATER OPERATIONS MANUALS
FOR NON-FEDERAL PROJECTS.**

(a) Definitions.—In this section:

(1) NON-FEDERAL PROJECT.—

(A) IN GENERAL.—The term “non-Federal project” means a non-Federal reservoir project operated for flood control in accordance with rules prescribed by the Secretary pursuant to section 7 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 890, chapter 665).

(B) EXCLUSION.—The term “non-Federal project” does not include any dam or reservoir owned by—

(i) the Bureau of Reclamation; or

(ii) the Corps of Engineers.

(2) OWNER.—The term “owner” with respect to a non-Federal project, does not include—

(A) the Secretary;

(B) the Secretary of the Interior; or

(C) the head of any other Federal department or agency, notwithstanding any Federal monetary contribution made toward the construction cost of the relevant non-Federal project, if the contribution is predicated a on flood control or other specific benefit.

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(3) SECRETARY.—The term “Secretary” means the Secretary of the Army.

(b) Review by Secretary.—

(1) IN GENERAL.—Not later than 1 year after the date of receipt of a request from the owner of a non-Federal project, the Secretary, in consultation with the owner, shall review the water control manual and flood control rule curves and any operational or structural modifications proposed by the owner, including the use of improved weather forecasting and run-off forecasting methods, to enhance the existing purposes of the non-Federal project.

(2) REPORT.—Not later than 90 days after the date of completion of a review under paragraph (1), the Secretary shall submit to the owner of the applicable non-Federal project a report describing the results of the review.

(3) PRIORITY.—In carrying out of this subsection, the Secretary shall give priority to review and revision of water control manuals and flood control rule curves for any non-Federal project—

(A) that is located in a State in which a drought emergency has been declared during the 1-year period ending on the date of review by the Secretary;

(B) the owner of which has submitted to the Secretary a formal request to review or revise the operations manual or rule curves to accommodate new watershed data or proposed project modifications or operational changes;

(C) the water control manual and hydrometeorological information establishing the flood control rule curves of which have not been revised during the 20-year period ending on the date of review by the Secretary;

(D) with respect to which a completed probable maximum flood analysis or other data indicates that revisions of the project control manual or rule curves are likely to enhance water supply benefits and flood control operations; and

(E) modifications or operational changes proposed by the owner of which are likely to enhance water supply benefits and flood control operations.

(4) NON-FEDERAL CONTRIBUTIONS.—The Secretary may accept non-Federal funds for all or a portion of the cost of carrying out a review or revision of water control manuals and rule curves for non-Federal projects under this subsection.

SEC. 407. CENTRAL VALLEY PROJECT.

(a) Cooperative Agreements.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, to determine the feasibility of an agreement for long-term use of an existing or expanded non-Federal storage or conveyance facility to augment Federal water supply, ecosystem, and operational flexibility benefits, the Secretary shall offer to enter into cooperative agreements with non-Federal entities to provide replacement water supplies for drought relief for—

(A) contractors of the Central Valley Project (as defined in section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706));

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(B) units of the National Wildlife Refuge System;

(C) State wildlife areas; and

(D) private wetland areas.

(2) REQUIREMENTS.—A cooperative agreement under this subsection shall—

(A) include the purchase of storage capacity in non-Federal facilities from willing sellers; and

(B) provide reimbursement for the temporary use of available capacity in existing above-ground, off-stream storage and associated conveyance facilities owned by local water agencies.

(b) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Chief of the National Wildlife Refuge System and contractors of the Central Valley Project a report describing the feasibility of the agreement for long-term use described in subsection (a)(1).

TITLE V—WATER RIGHTS PROTECTIONS

SEC. 501. PROTECTIONS FOR STATE WATER PROJECT CONTRACTORS.

If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(a) revokes the consistency determination pursuant to California Fish and Game Code section 2080.1;

(b) amends or issues a new consistency determination pursuant to California Fish and Game Code section 2080.1 in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the smelt biological opinion and the salmonid biological opinion; or

(c) requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the smelt biological opinion and the salmonid biological opinion,

then, the water supply benefits of such action by the California Department of Fish and Wildlife accruing to the Central Valley Project, if any, shall be shared equally with the State Water Project.

SEC. 502. AREA OF ORIGIN PROTECTIONS.

(a) The Secretary of the Interior (Secretary) is directed in the operation of the Central Valley Project (CVP) to adhere to California's water rights laws governing water rights priorities by honoring water rights senior to those held by the United States for operation of the CVP, regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected

Commented [A5]: The agencies have not had a chance to fully analyze this Title. We expect the House to provide further suggestions, and we will seek the agencies' technical feedback on the entire title with the House's suggestions included.

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pursuant to California Water Code Part 2 of Division 2. Article 1.7 (commencing with section 1215 of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462 and 11463, and Sections 12200 to 12220, inclusive).

(b) Any action that requires that diversions be bypassed or that involves the release of water from any CVP water storage facility taken by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.) shall be applied in a manner that is consistent with water rights priorities established by California law.

SEC. 503. NO REDIRECTED ADVERSE IMPACTS.

The Secretary shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this Act, including, but not limited to, such actions under the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) and other federal laws, shall not cause redirected adverse water supply or fiscal impacts to those within the Sacramento River Watershed or the State Water Project.

SEC. 504. EFFECT ON STATE LAWS.

Nothing in this Act preempts any State law in effect on the date of enactment of this Act, including area of origin and other water rights protections.

TITLE VI—MISCELLANEOUS

SEC. 601. AUTHORIZED SERVICE AREA.

(a) In General.—The authorized service area of the Central Valley Project authorized under the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) shall include the area within the boundaries of the Kettleman City Community Services District, California, as in existence on the date of enactment of this Act.

(b) Long-term Contract.—

(1) IN GENERAL.—Notwithstanding the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) and subject to paragraph (2), the Secretary of the Interior, in accordance with the reclamation laws, shall enter into a long-term contract with the Kettleman City Community Services District, California, under terms and conditions mutually agreeable to the parties, for the delivery of up to 900 acre-feet of Central Valley Project water for municipal and industrial use.

(2) LIMITATION.—Central Valley Project water deliveries authorized under the contract entered into under paragraph (1) shall be limited to the minimal quantity necessary to meet the immediate needs of the Kettleman City Community Services District, California, in the event that local supplies or State Water Project allocations are insufficient to meet those needs.

(c) Permit.—The Secretary shall apply for a permit with the State for a joint place of use for

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water deliveries authorized under the contract entered into under subsection (b) with respect to the expanded service area under subsection (a), consistent with State law.

(d) Additional Costs.—If any additional infrastructure, water treatment, or related costs are needed to implement this section, those costs shall be the responsibility of the non-Federal entity.

SEC. 602. RESCHEDULED WATER.

(a) In General.—In connection with operations of the Central Valley Project, California, if the San Luis Reservoir does not fill by the last day of February of any year, the Secretary of the Interior shall permit any entity with an agricultural water service or repayment contract for the delivery of water from the Delta Division or the San Luis Unit to reschedule into the immediately following contract year (March 1 through the last day of February) any unused Central Valley Project water previously allocated for irrigation purposes.

(b) Apportionment.—If Project water remaining in Federal storage in San Luis Reservoir on the last day of February of any year is insufficient to meet the aggregate of all requests to rescheduling water requests under subsection (a), the Secretary of the Interior shall, based on contract quantity, apportion among all contractors that request to reschedule water all Project water remaining in San Luis Reservoir on the last day of February of the applicable year.

(c) Availability of Additional Water.—If water remaining in San Luis Reservoir on the last day of February is apportioned pursuant to paragraph (b), the Secretary shall make all reasonable efforts to make available additional rescheduled water up to the aggregate of rescheduling requests; provided that such if the efforts shall do not interfere with the Central Valley Project operations or the Secretary's ability to meet the United States' obligations to San Joaquin River Exchange Contractors or other settlement contractors in the contract year for which Central Valley Project water has been rescheduled.

SEC. 603. FISHERIES DISASTER DECLARATION.

[TO BE SUPPLIED.]

SEC. 604. OVERSIGHT BOARD FOR RESTORATION FUND.

(a) Report; Advisory Board.—Section 3407 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4726) is amended by adding at the end the following:

“(g) Report on Expenditure of Funds.—

“(1) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the Advisory Board, shall submit to Congress a plan for the expenditure of all of the funds deposited into the Restoration Fund during the preceding fiscal year.

“(2) CONTENTS.—The plan shall include an analysis of the cost-effectiveness of each expenditure.

“(h) Advisory Board.—

“(1) ESTABLISHMENT.—There is established the Restoration Fund Advisory Board (referred to in this section as the ‘Advisory Board’), which shall be composed of 14

Commented [A6]: The agencies are still reviewing the contents of this section. We anticipate the House will provide further suggestions, and we intend to seek the agencies' technical feedback on this language as modified by the House's suggestions.

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members appointed by the Secretary.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The Secretary shall appoint members to the Advisory Board that represent the various Central Valley Project stakeholders, of whom—

“(i) 3 members shall be agricultural users of the Central Valley Project;

“(ii) 2 members shall be municipal and industrial users of the Central Valley Project;

“(iii) 3 members shall be power contractors of the Central Valley Project;

“(iv) 1 member shall be a representative of a federal wildlife refuge that contracts for Central Valley Project water supplies with the Bureau of Reclamation;

“(v) 1 member shall represent nongovernmental organizations involved in the protection and restoration of California fisheries;

“(vi) 1 member shall represent the commercial fishing industry;

“(vii) 1 member shall represent the recreational fishing industry; and

“(viii) 2 members shall be appointed at the discretion of the Secretary.

“(B) OBSERVER.—The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

“(C) CHAIRMAN.—The Secretary shall appoint 1 of the members described in subparagraph (A) to serve as Chairman of the Advisory Board.

“(3) TERMS.—The term of each member of the Advisory Board shall be 4 years.

“(4) DATE OF APPOINTMENTS.—The appointment of a member of the Panel shall be made not later than—

(A) the date that is 120 days after the date of enactment of this Act; or

(B) in the case of a vacancy on the Panel described in subsection (c)(2), the date that is 120 days after the date on which the vacancy occurs.

“(5) Vacancies.—

(A) IN GENERAL.—A vacancy on the Panel shall be filled in the manner in which the original appointment was made and shall be subject to any conditions that applied with respect to the original appointment.

(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(C) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the successor of the member takes office.

“(6) Removal —A Member of the Panel may be removed from office by the Secretary of the Interior.

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“(7) Federal Advisory Committee Act. —The Panel shall not be subject to the requirements of the Federal Advisory Committee Act.

“(8) DUTIES.—The duties of the Advisory Board are—

“(A) to meet not less frequently than semiannually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out under this title;

“(B) to ensure that any advice given or recommendation made by the Advisory Board reflects the independent judgment of the Advisory Board;

“(C) not later than December 31, 2015, and annually thereafter, to submit to the Secretary and Congress the recommendations under subparagraph (A); and

“(D) not later than December 31, 2015, and biennially thereafter, to submit to Congress a report that details the progress made in achieving the actions required under section 3406.

“(9) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.”

“(10) Cooperation and Assistance.—

(A) Upon request of the Panel Chairperson for information or assistance to facilitate the carrying out of this section, the Secretary of the Interior shall promptly provide such information, unless otherwise prohibited by law.

(B) Space and Assistance.—The Secretary of the Interior shall provide the Panel with appropriate and adequate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Panel, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

SEC. 605. WATER OPERATIONS REVIEW PANEL.

(a) Establishment.—There is established a panel to be known as the “Water Operations Review Panel”.

(b) Membership.—

(1) COMPOSITION.—The Panel shall be composed of 5 members appointed by the Secretary of the Interior, in consultation with the Secretary of Commerce, of whom—

(A) 1 member shall be a former State elected official, who shall be the Chairperson of the Panel;

(B) 2 members shall be fisheries biologists, of whom—

(i) 1 member shall have expertise in Delta smelt; and

(ii) 1 member shall have expertise in salmonids; and

(C) 2 members shall be engineers with substantial expertise in water operations.

(2) RECOMMENDATIONS. —The Secretary of the Interior shall consider the recommendations

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(A) of the Governor of the State for the member appointed under subparagraph (1)(A);

(B) of the Director of the California Department of Water Resources for one of the members appointed under subparagraph (1)(C).

(3) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—For at least three years prior to appointment to the Panel, an individual appointed to the Panel under paragraph (1) shall not have been an employee of the Federal Government.

(4) DATE OF APPOINTMENTS.—The appointment of a member of the Panel shall be made not later than—

(A) the date that is 120 days after the date of enactment of this Act; or

(B) in the case of a vacancy on the Panel described in subsection (c)(2), the date that is 120 days after the date on which the vacancy occurs.

(c) Term; Vacancies.—

(1) TERMS.—A member of the Panel shall be appointed for a term of 3 years, except that, with respect to the members first appointed under this section—

(A) the Chairperson shall be appointed for a term of 3 years;

(B) of the members appointed under subsection (b)(1)(B)—

(i) 1 member shall be appointed for a term of 1 year; and

(iii) 1 member shall be appointed for a term of 2 years;

(C) of the members appointed under subsection (b)(1)(C)—

(i) 1 member shall be appointed for a term of 1 year; and

(ii) 1 member shall be appointed for a term of 2 years.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Panel shall be filled in the manner in which the original appointment was made and shall be subject to any conditions that applied with respect to the original appointment.

(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

~~(3) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the successor of the member takes office.~~

(d) Removal. —A Member of the Panel may be removed from office by the Secretary of the Interior.

(e) Federal Advisory Committee Act. —The Panel shall not be subject to the requirements of the Federal Advisory Committee Act.

(f) Duties.

(1) Annual Assessment and Report on Agencies' Operational Decisions under this Act.—

(A) IN GENERAL.—No later than November 30, 2015, and annually no later than

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November 30 thereafter, the Panel shall report an assessment of the agencies' operational decisions under this Act and recommendations for the prospective implementation of this Act to the following Congressional committees:

- (i) Senate Committee on Environment and Public Works;
- (ii) Senate Appropriations Subcommittee on Energy and Water Development;
- (iii) House Natural Resources Committee; and
- (iv) House Appropriations Subcommittee on Energy and Water Development.

(B) RETROSPECTIVE ASSESSMENT.—In making the retrospective assessment under paragraph (1), the Panel shall review and evaluate restrictions imposed under the smelt biological opinion and the salmonid biological opinion, and successor opinions, on operations of the Central Valley Project and State Water Project ~~the Director of the Fish and Wildlife Service, Administrator of NOAA Fisheries, and Commissioner of Reclamation's~~ —

(i) to determine the efficacy of those restrictions for the purpose of protecting listed species; and decisions in implementing this Act and other Federal laws applicable to the operations of the Central Valley Project and the State Water Project;

(iii) efforts to minimize water supply reductions for the Central Valley Project and State Water Project resulting from implementation of the smelt biological opinion and the salmonid biological opinion, and successor opinions ~~disruptions while complying with the Endangered Species Act and this Act.~~

(C) PROSPECTIVE RECOMMENDATIONS.—The Panel shall make recommendations for prospective actions and potential actions warranting further study to better achieve the purposes of this Act and the Endangered Species Act as applied to the operations of the Central Valley Project and the State Water Project, including proposals—

(i) that in combination, both increase the survival of listed species and increase water supplies for the Central Valley Project and the State Water Project;

(ii) ~~to increase the survival of listed fish species with little to no adverse effects on water supplies for the Central Valley Project and the State Water Project that would result from taking the specific proposed action recommended;~~

(iii) that respond to the annual Delta Science Program Independent Review Panel reports on the Long-term Operations Opinions.

~~(2) Five Year Assessment on Effectiveness of Provisions of Act and Recommended Legislative Changes.~~

(1) Upon request of the Panel Chairperson for information or assistance to facilitate the carrying out of this section, the Secretary of Commerce and the Secretary of the Interior shall promptly provide such information, unless otherwise prohibited by law.

(2) Space and Assistance.—The Secretary of the Interior shall provide the Panel with appropriate and adequate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Panel, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

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**SEC. 606. CONTINGENCY IN EVENT OF CONTINUING
RESOLUTION FOR FISCAL YEAR 2015.**

The deadlines that apply to each respective Secretary, or agency, contained in sections 103(b), 103(d), 202, 204, and 205 shall be extended by the number of days that any resolution providing continuing appropriations for the Fish and Wildlife Service or NOAA Fisheries for fiscal year 2015 is in effect after January 1, 2015 if:

(1) such a resolution providing continuing appropriations for these agencies is enacted;

(2) the continuing resolution does not include funding for the agency actions prescribed in the sections of this Act specified above; and

(3) a funding shortfall remains for such agency actions after the Secretaries have consulted with the California Department of Water Resources, Central Valley Project and State Water Project contractors, and the Interagency Ecological Program.

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1 Water service and repayment contractors that receive water from the Delta Division or the San
2 Luis Unit of the Central Valley Project shall be assessed, in addition to all other payments
3 collected pursuant to section 3407 of the Central Valley Project Improvement Act (Public Law
4 102-575; 106 Stat. 4), a per acre-foot surcharge, equal to 50% of the annual Restoration fund
5 payments, for all Project water delivered during any year in which the allocation to such
6 contractors is 50% to 74% and a per acre-foot surcharge, equal to 100% of the annual
7 Restoration fund payments, delivered during any year in which the allocation to such contractors
8 is 75% or greater, to be covered into the Restoration Fund.

From: Tom Birmingham
Sent: Wednesday, October 8, 2014 3:04 PM
To: Watts, John (Feinstein)
CC: Bernhardt, David L.
Subject: Re: legal Delta

I will include.

Sent from my iPhone

On Oct 8, 2014, at 6:00 PM, "Watts, John (Feinstein)" <John_Watts@feinstein.senate.gov> wrote:

Can you include this is what you are working up?

From: Poole, Melissa [<mailto:MelissaP@paramountfarming.com>]
Sent: Wednesday, October 08, 2014 5:55 PM
To: Watts, John (Feinstein)
Subject: legal Delta

Hi John,

Thanks again for your time today. One cleanup to the language:

section 3 (1) - reference should be to section 12220 of the Water Code (not Public Resources Code). It is section 29722 of the Public Resources Code that defines the "Delta".

I'm working on some suggestions for expanding beyond the Delta to include other areas where delta smelt are located.

Melissa Poole
Director of Government Affairs/Counsel
Paramount Farming Company/Roll Law Group
661.399.4456
Direct: 661.391.3787
Mobile: 661. [REDACTED]
melissap@paramountfarming.com

**As of April 1, 2014 our new address will be 6801 E. Lerdo Highway, Shafter,
CA 93263**

From: Nelson, Damon
Sent: Thursday, October 9, 2014 9:08 AM
To: Tom Birmingham; Bernhardt, David L.
Subject: Most Recent Draft

Here is the most recent draft with additional changes. More to come, I'm sure.

From: Nelson, Damon
Sent: Thursday, October 9, 2014 9:10 AM
To: Tom Birmingham; Bernhardt, David L.
Subject: RE: Most Recent Draft
Attachments: Draft Edits for Water Bill.docx

[Now with the document](#)

From: Nelson, Damon
Sent: Thursday, October 09, 2014 12:08 PM
To: 'Tom Birmingham'; Bernhardt, David L.
Subject: Most Recent Draft

Here is the most recent draft with additional changes. More to come, I'm sure.

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Title: To provide drought relief in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “California Drought Relief Act of 2014”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec.1.Short title; table of contents.

Sec.2.Findings.

Sec.3.Definitions.

**TITLE I—ADJUSTING DELTA SMELT MANAGEMENT
BASED ON INCREASED REAL-TIME MONITORING AND
UPDATED SCIENCE**

Sec.101.Definitions.

Sec.102.Revise incidental take level calculation to reflect new science.

Sec.103.Factoring increased real-time monitoring and updated science into ~~d~~Delta smelt management.

**TITLE II—ENSURING SALMONID MANAGEMENT IS
RESPONSIVE TO NEW SCIENCE**

Sec.201.Definitions.

Sec.202.Required scientific studies.

Sec.203.Process for ensuring salmonid management is responsive to new science.

Sec.204.Pilot program to protect native anadromous fish in the Stanislaus River.

Sec.205.CALFED invasive species pilot projects in the Sacramento-San Joaquin Bay Delta and its tributaries.

Sec.206.Mark fishery and harvest management.

Sec.207.New actions to benefit Central Valley salmonids.

**TITLE III—OPERATIONAL FLEXIBILITY AND DROUGHT
RELIEF**

Sec.301.Findings.

Sec.302.Definitions.

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- 1 Sec.303.Operational flexibility in times of drought.
- 2 Sec.304.Operation of cross-channel gates.
- 3 Sec.305.Flexibility for export/inflow ratio.
- 4 Sec.306.Emergency environmental reviews.
- 5 Sec.307.Prioritizing State revolving funds during droughts.
- 6 Sec.308.Increased flexibility for regular project operations.
- 7 Sec.309.Temporary operational flexibility for first few storms of 2015 water year.
- 8 Sec.310.Expediting water transfers.
- 9 Sec.311.Warren Act contracts. [PLACEHOLDER]
- 10 Sec.312.Additional Warren Act contracts. [PLACEHOLDER]

11 **TITLE IV—INCREASING WATER STORAGE**

- 12 Sec.401.Findings.
- 13 Sec.402.Calfed storage feasibility studies.
- 14 Sec.403.Water storage project construction.
- 15 Sec.404.Other storage feasibility studies.
- 16 Sec.405.Dam safety projects with increased storage component.
- 17 Sec.406.Updating water operations manuals for non-Federal projects.
- 18 Sec.407.Central Valley Project.

19 **TITLE V—WATER RIGHTS PROTECTIONS**

- 20 Sec.501.Protections for State water project contractors.
- 21 Sec.502.Area of origin protections.
- 22 Sec.503.No redirected adverse impacts.
- 23 Sec.504.Effect on State laws.

24 **TITLE VI—MISCELLANEOUS**

- 25 Sec.601.Authorized service area.
- 26 Sec.602.Rescheduled water.
- 27 Sec.603.Fisheries disaster declaration. [PLACEHOLDER]
- 28 Sec.604.Oversight board for Restoration Fund.
- 29 Sec.605.Water operations review panel.
- 30 Sec.606.Contingency in event of continuing resolution for fiscal year 2015.

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1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) As established in the Proclamation of a State of Emergency issued by the Governor of
4 the State on January 17, 2014, the State is experiencing record dry conditions;

5 (2) Extremely dry conditions have persisted in the State since 2012, and the drought
6 conditions are likely to persist into the future;

7 (3) As of September 2014, the National Weather Service’s forecast does not show a high
8 likelihood of the State experiencing above-normal precipitation for the remainder of the
9 calendar year;

10 (4) The water supplies of the State are at record-low levels, as indicated by the fact that
11 all major Central Valley Project reservoir levels were at 20-35 percent of capacity as of
12 September 25, 2014;

13 (5) The lack of precipitation has been a significant contributing factor to the 6,091 fires
14 experienced in the State as of September 15, 2014, and which covered nearly 400,000 acres;

15 (6) According to a study released by the University of California, Davis in July 2014, the
16 drought has led to the fallowing of 428,000 acres of farmland, loss of \$810 million in crop
17 revenue, loss of \$203 million in dairy and other livestock value, and increased groundwater
18 pumping costs by \$454 million. The statewide economic costs are estimated to be \$2.2
19 billion, with over 17,000 seasonal and part-time agricultural jobs lost;

20 (7) CVPIA Level II water deliveries to refuges have also been reduced by 25% in the
21 north of Delta region, and by 35% in the south of Delta region;

22 (8) Only one-sixth of the usual acres of rice fields are being flooded this fall, which leads
23 to a significant decline in habitat for migratory birds and an increased risk of disease at the
24 remaining wetlands due to overcrowding of such birds;

25 (9) The drought of 2013 through 2014 constitutes a serious emergency that poses
26 immediate and severe risks to human life and safety and to the environment throughout the
27 State;

28 (10) The serious emergency described in paragraph (4) requires—

29 (A) immediate and credible action that respects the complexity of the water system
30 of the State and the importance of the water system to the entire State; and

31 (B) policies that do not pit stakeholders against one another, which history shows
32 only leads to costly litigation that benefits no one and prevents any real solutions;

33 (11) Federal law (including regulations) directly authorizes expedited decisionmaking
34 procedures and environmental and public review procedures to enable timely and
35 appropriate implementation of actions to respond to the type and severity of the serious
36 emergency described in paragraph (4); and

37 (12) The serious emergency described in paragraph (4) fully satisfies the conditions
38 necessary for the exercise of emergency decisionmaking, analytical, and public review
39 requirements under—

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(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(C) water control management procedures of the Corps of Engineers described in section 222.5 of title 33, Code of Federal Regulations (including successor regulations); and

(D) the Reclamation States Emergency Drought Relief Act of 1991 (Public Law 102–250; 106 Stat. 53).

(13) The ~~2008~~ smelt biological opinion and ~~2009~~ salmonid biological opinion contain reasonable and prudent alternatives to protect listed fish species from being jeopardized by operation of the Central Valley Project and State Water Project and to prevent adverse modification of designated critical habitat;

(14) The effect of those reasonable and prudent alternatives in the biological opinions may restrict the amount of water pumping that can occur to deliver water for agricultural, municipal, industrial, groundwater, and refuge uses in California;

(15) Data on the difference between water demand and reliable water supplies for various regions south of the ~~delta~~ Delta, including the San Joaquin Valley, indicate there is a significant annual gap between reliable water supplies to meet agricultural, municipal and industrial, groundwater, and refuges water needs within the South of Delta and Friant Division of the Central Valley Project and the State Water Project south of the Sacramento-San Joaquin River Delta and north of the Tehachapi mountain range and the demands of those areas. This gap varies depending on the methodology of the analysis performed, but can be represented in the following ways:

Commented [A1]: Agencies are verifying the accuracy of the facts within this finding.

(A) For Central Valley Project South-of-Delta water service contractors, if it is assumed that a water supply deficit is the difference in the amount of water available for allocation versus the maximum contract quantity, particularly in more recent years, then the water supply deficits that have developed from 1992 to 2014 as a result of changes besides natural variations in hydrology during this timeframe range between 720,000 and 1,100,000 acre-feet.

(B) For Central Valley Project and State Water Project water service contractors south of the Delta and north of the Tehachapi mountain range, if it is assumed that a water supply deficit is the difference between reliable water supplies, including maximum water contract deliveries, safe yield of groundwater, safe yield of local and surface supplies and long-term contracted water transfers, and water demands, including water demands from agriculture, municipal and industrial and refuge contractors, then the water supply deficit ranges between approximately 2,500,000 to 2,700,000 acre-feet.

(C) The California Water Plan evaluated outcomes under current conditions under 198 combinations of climate and growth scenarios, projecting a range of urban and agricultural reliability into the future. Reliability in this instance is defined as the percentage of years in which demand is sufficiently met by supply. Reliability across a range of futures within the San Joaquin Valley can be presented as:

(i) For the San Joaquin River Hydrologic Region, as defined in the California

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Water Plan:

(I) Urban supply reliability ranges between 90 and 100 percent, with a mean reliability across futures in the high 90th percentile; and

(II) Agricultural supply reliability ranges between 70 and 100 percent, with a mean reliability across futures in the mid-90th percentile.

(ii) For the Tulare Lake Hydrologic Region, as defined in the California Water Plan:

(I) Urban supply reliability ranges between 70 and 100 percent, with a mean reliability across futures in the mid-90th percentile; and

(II) Agricultural supply reliability ranges between 20 and 100 percent, with a mean reliability across futures in the low 70th percentile.

(16) Since the issuance of the biological opinions, recent studies have raised questions about the benefits to endangered salmonid populations from water pumping restrictions, including:

Commented [A2]: Agencies are assessing this finding.

(A) Expert panel reviews have concluded that instantaneous water velocities in the tidal Delta affect juvenile salmonids, not “tidally average” flows, as previously assumed. Based on instantaneous water velocity modeling, water exports have a much smaller area of effect than was previously believed;

(B) Tagging studies conducted since 1993 (representing more than 28 million fish) demonstrate that the proportion of Sacramento Basin origin Chinook salmon entrained into the pumping facilities (including pre-screen losses) are on average less than 1/10 of 1%; and

(C) Telemetry studies of Sacramento Basin and San Joaquin Basin origin juvenile Chinook salmon have not demonstrated any significant adverse effect from water exports on fish survival.

(17) Data of pumping activities at the Central Valley Project and State Water Project delta pumps identifies that, on average from Water Year 2009 to Water Year 2014, pumping activity takes 893 ~~Δ~~Delta smelt annually with an authorized take level of 5,003 ~~Δ~~Delta smelt annually according to the biological opinion issued December 15, 2008.

(18) It is worth exploring whether there is a way to implement the biological opinions that would preserve the protections afforded listed fish and simultaneously increase water deliveries to the Central Valley Project and State Water Project without weakening environmental laws or protections.

(19) In 2014, better information exists than was known in 2008 concerning conditions and operations that may or may not lead to high salvage events that jeopardize the fish populations, and what alternative management actions can be taken to avoid jeopardy.

(20) Alternative management strategies, such as trapping and barging juvenile salmon through the Delta, removing non-native species, enhancing habitat, and monitoring fish movement and location in real-time can contribute significantly to protecting and recovering these endangered fish species, and at potentially lower costs to water supplies.

(21) Resolution of fundamental policy questions concerning the extent to which

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application of the Endangered Species Act affects the operation of the Central Valley Project and State Water Project is the responsibility of Congress.

SEC. 3. DEFINITIONS.

In this Act:

(1) DELTA.—The term “Delta” means the Sacramento-San Joaquin Delta and the Suisun Marsh, as defined in sections 12220 and 29101 of the California Public Resources Code.

(2) Export Pumping Rates.—The term “export pumping rates” means the rates of pumping at the W.C. “Bill” Jones Pumping Plant and the Harvey O. Banks Pumping Plant, in the southern Delta.

~~(3) JEOPARDY.—The term “jeopardy” means to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.~~

~~(34)~~ LISTED FISH SPECIES.—The term “listed fish species” means listed salmonid species and the Delta smelt.

~~(45)~~ LISTED SALMONID SPECIES.—The term “listed salmonid species” means natural origin steelhead, natural origin genetic spring run Chinook, and genetic winter run Chinook salmon.

~~(5) NEGATIVE IMPACT ON THE LONG-TERM SURVIVAL.—The term “negative impact on the long-term survival” means to reduce appreciably the likelihood of the survival of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.~~

(6) OMR.—The term “OMR” means the Old and Middle River in the Delta.

(7) OMR FLOW OF -5000 CFS.—The term “OMR flow of -5000 cfs” means Old and Middle River flow of negative 5,000 cubic feet per second as measured by—

(A) the smelt biological opinion; and

(B) the salmonid biological opinion.

(8) SALMONID BIOLOGICAL OPINION.—The term “salmonid biological opinion” means the biological opinion issued by the National Marine Fisheries Service on June 4, 2009.

(9) SMELT BIOLOGICAL OPINION.—The term “smelt biological opinion” means the biological opinion on the Long-Term Operational Criteria and Plan for coordination of the Central Valley Project and State Water Project issued by the United States Fish and Wildlife Service on December 15, 2008.

(10) STATE.—The term “State” means the State of California.

TITLE I—ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE

SEC. 101. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(2) DELTA SMELT.—The term “~~d~~Delta smelt” means the fish species with the scientific name *Hypomesus transpacificus*.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 102. REVISE INCIDENTAL TAKE LEVEL
CALCULATION FOR DELTA SMELT TO REFLECT NEW
SCIENCE.

No later than October 1, 2015, and at least every five years thereafter, the Director of Fish and Wildlife Service, in cooperation with other federal, state, and local agencies, shall use the best scientific and commercial data available to complete a review and, if warranted, a modification of the incidental take level in the ~~2008 delta~~ smelt biological opinion that takes into account, among other considerations,—

- (a) salvage information collected since at least 1993; available over at least 18 years;
- (b) updated or more recently developed statistical models;
- (c) updated scientific and commercial data; and
- (d) the most recent information regarding the environmental factors driving ~~d~~Delta smelt salvage.

SEC. 103. FACTORING INCREASED REAL-TIME
MONITORING AND UPDATED SCIENCE INTO DELTA
SMELT MANAGEMENT.

(a) In General.—The reasonable and prudent alternative described in the ~~2008 delta~~ smelt biological opinion, ~~as amended~~, and any successor opinions, shall be implemented consistent with current best scientific and commercial data available. ~~and implementation shall be adjusted accordingly as new scientific and commercial data are developed.~~

(b) Increased Monitoring to Inform Real-time Operations.— ~~Contingent upon funding,~~ ~~†~~The Secretary shall conduct additional surveys, on an annual basis at the appropriate time of the year based on environmental conditions, in collaboration with other ~~d~~Delta science interests.

(1) In implementing this section, after seeking public input, the Secretary shall —

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(A) use the most appropriate survey methods for the detection of ~~Δ~~Delta smelt to determine the extent that adult ~~Δ~~Delta smelt are distributed in relation to certain levels of turbidity, or other environmental factors that may influence salvage rate; and

(B) use results from appropriate survey methods for the detection of ~~Δ~~Delta smelt to determine how the Central Valley Project and State Water Project may be operated more efficiently to minimize salvage while maximizing export pumping rates ~~of water export without causing a negative impact on the long-term survival of the Delta smelt.~~

(2) During the period beginning on December 1, 2014 and ending March 31, 2015, and in each successive December through March period, if suspended sediment loads enter the Delta from the Sacramento River and the suspended sediment loads appear likely to raise turbidity levels in Old River north of the export pumps from values below 12 Nephelometric Turbidity Units (NTU) to values above 12 NTU, the Secretary shall—

(A) conduct daily monitoring using appropriate survey methods at locations including, but not limited to, the vicinity of Station 902 to determine the extent that adult Delta smelt are moving with turbidity toward the export pumps; and

(B) use results from the monitoring surveys referenced in paragraph (A) at ~~locations including, but not limited to, the vicinity of Station 902~~ to determine how increased trawling can inform daily real-time Central Valley Project and State Water Project operations to minimize salvage while maximizing export pumping rates ~~of water export without causing a negative impact on the long-term survival of the Delta smelt.~~

(c) Periodic Review of Monitoring.—Within twelve months of the date of enactment of this title, and ~~At~~ at least once every 5 years thereafter, or sooner if the Secretary determines it is appropriate, the Secretary shall—

(1) evaluate whether the monitoring program under subsection (b), combined with other monitoring programs for the Delta, is providing sufficient data to inform Central Valley Project and State Water Project operations to minimize salvage while maximizing export pumping rates ~~of water export without causing a negative impact on the long-term survival of the Delta smelt;~~ and

(2) determine whether the monitoring efforts should be changed in the short- or long-term to provide more useful data.

(d) Delta Smelt Distribution Study.—

(1) IN GENERAL.— No later than January 1, 2016, in collaboration with the California Department of Fish and Wildlife, the California Department of Water Resources, public water agencies, and other interested entities,, shall implement new targeted sampling

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and monitoring specifically designed to understand ~~d~~Delta smelt abundance, distribution, and the types of habitat occupied by ~~d~~Delta smelt during all life stages.

(2) SAMPLING.—The Delta smelt distribution study shall, at a minimum—

(A) include recording water quality and tidal data;

(B) be designed to understand ~~d~~Delta smelt abundance, distribution, habitat use, and movements throughout the ~~Bay~~Delta, Suisun Marsh, and other areas occupied by the Delta smelt during all seasons;

(C) consider areas not routinely sampled by existing monitoring programs, including wetland channels, near-shore water, depths below 35 feet, and shallow-water; and

(D) use ~~the most biologically appropriate~~ survey methods, including sampling gear, best suited to collect the most accurate data for the type of sampling or monitoring.

(e) Scientifically supported implementation of Old and Middle River flow requirements.—In implementing the provisions of the smelt biological opinion, or any successor biological opinion, ~~on pertaining to management of~~ reverse flow in the Old and Middle Rivers, the Secretary shall—

(1) consider the relevant provisions of the biological opinion or any successor biological opinion;

(2) manage reverse flow in Old and Middle Rivers as prescribed by the smelt biological opinion, or any successor biological opinion, to minimize water supply reductions for the Central Valley Project and the State Water Project;

~~(3) document in writing any significant facts about real-time conditions relevant to the determinations of reverse OMR flow rates less negative than -5000 cubic feet per second, including—~~

(A) ~~the findings in paragraph (3);~~

whether continued project operations over the remainder of the water year would exceed the incidental take level;

(~~E~~B) the potential effects of entrainment on subsequent smelt abundance, including consideration of the distribution of the population throughout the Delta,

(~~D~~C) the water temperature,

(~~E~~D) other factors relevant to the determination; and

(~~F~~E) whether any alternative measures could have a lesser water supply impact.

(~~5~~4) for any subsequent biological opinion, make the showing required in

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paragraph (3) for any determination to manage OMR reverse flow at rates less negative than the upper limit in the biological opinion if the upper limit in the biological opinion is more negative than -5000 cubic feet per second.

(f) Memorandum of Understanding. No later than December 1, 2014, the Commissioner and the Director will execute a Memorandum of Understanding (MOU) to ensure that the smelt biological opinion is implemented in a manner that minimizes water supply losses while complying with applicable laws and regulations. If that MOU alters any procedures set out in the biological opinion, there will be no need to reinitiate consultation if those changes do not have an adverse effect on listed species and the implementation of the MOU would not be a major change to implementation of the biological opinion. Any change to procedures that does not create a new adverse effect to listed species will not alter application of the take exemption in the incidental take statement in the biological opinion under the Endangered Species Act, section 7(o)(2).

(g) Calculation of Reverse Flow in OMR.-Within 90 days of the enactment of this title, the Secretary is directed, in consultation with the California Department of Water Resources to revise the method used to calculate reverse flow in Old and Middle Rivers for implementation of the reasonable and prudent alternatives in the smelt biological opinion and the salmonid biological opinion, and any succeeding biological opinions, for the purpose of increasing Central Valley Project and State Water Project water supplies. The method of calculating reverse flow in Old and Middle Rivers shall be reevaluated not less than every five years thereafter to achieve maximum export pumping rates within limits established by the smelt biological opinion, the salmonid biological opinion, and any succeeding biological opinions.

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANT ADMINISTRATOR.—The term “Assistant Administrator” means the Assistant Administrator of NOAA Fisheries.

(2) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

SEC. 202. REQUIRED SCIENTIFIC STUDIES.

(a) Trap and Barge Pilot Project to Increase Survivals Through the Delta.—The Assistant Administrator and the Commissioner shall, in collaboration with the U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife and other interested parties, design, permit, implement and evaluate a pilot program to test the efficacy of an experimental trap and barge program to improve survival of juvenile salmonids emigrating from the San Joaquin watershed through the Delta, as further described below.

(1) Within 30 days of enactment, the Assistant Administrator shall convene a working group of the relevant agencies and other interested parties through which to develop and execute a plan for the design, budgeting, implementation and evaluation of such a pilot program, utilizing existing expertise on such trap and barge programs as may be available. Such plan shall detail a schedule and budget for the program, and identify the responsible

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parties for each element of the program.

(2) The Assistant Administrator shall provide an opportunity for public review and comment on the pilot program and also simultaneously seek an expeditious independent peer review of the program to improve its rigor and likelihood of success.

(3) Upon completion of (2), above, the Assistant Administrator shall complete the necessary design and evaluations of the pilot program and seek such ~~authorizations and permits or other regulatory authorizations~~ as may be required under federal law for its prompt implementation and evaluation by the Assistant Administrator, the Commissioner or such other parties as they determine most suitable.

(4) ~~Subject to the availability of funding, t~~The Assistant Administrator and the Commissioner shall seek to commence implementation of the pilot program in 2015 or as soon thereafter as is possible, and shall conduct such pilot for such period of time as needed to evaluate the efficacy of the program to improve survival~~s~~ across a range of environmental conditions.

(5) The Assistant Administrator and the Commissioner shall jointly report annually to the Senate Environment and Public Works Committee and the House Committee on Natural Resources their progress in implementing this section, estimated survival rates through the Delta for both juvenile salmonids that were barged through the Delta and those that were not barged, and if survival rates are significantly higher for barged fish as compared to other outmigrating smolts, the Assistant Administrator's and Commissioner's recommendations regarding broadening the pilot program and any relevant recommendations pursuant to section 203.

(b) Tagging studies.

(1) IN GENERAL.—The Assistant Administrator, in collaboration with other Delta science partners, shall implement tagging studies, including acoustic telemetry and PIT tagging studies as appropriate, wherein habitat, predators, flow conditions, or other factors are experimentally altered and the behavior and survival of tagged juvenile salmonids are observed. Studies may also be conducted to aid in the understanding of Chinook salmon and steelhead abundance, distribution, and survival.

(2) SAMPLING.—The sampling—

(A) shall include recording water quality and tidal data;

(B) will be designed to aid in the understanding of salmonid abundance, distribution, and movements throughout the Bay Delta, including estimates of through Delta survival from Knights Landing or from Mossdale to Chipps Island; and

(C) will supplement, not supplant, ongoing acoustic tag and coded wire survival studies in the San Joaquin and Sacramento Rivers which the Assistant Administrator determines are crucial for trend monitoring.

**SEC. 203. PROCESS FOR ENSURING SALMONID
MANAGEMENT IS RESPONSIVE TO NEW SCIENCE.**

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(a) General directive. The reasonable and prudent alternative described in the salmonid biological opinion allows for and anticipates adjustments in operating criteria to reflect the best scientific and commercial data currently available, and authorizes efforts to test and evaluate improvements in operations that will meet applicable regulatory requirements and enable improvements in water supply reliability. The Commissioner and the Assistant Administrator are hereby directed to utilize these authorities fully as described below.

(b) Annual reviews of certain operating criteria. No later than December 31, 2015, and at least annually thereafter,

(1) The Commissioner, in consultation with and with the assistance of the Assistant Administrator shall ~~commence annual efforts to~~ examine and identify adjustments to the initiation of Action IV.2.3 pertaining to negative OMR flows, subject to paragraph (5).

(2) The Commissioner, in consultation with and with the assistance of the Assistant Administrator, shall examine and identify adjustments in the timing, triggers or other operational details relating to the implementation of pumping restrictions in Action IV.2.1 pertaining to the inflow to export requirements, subject to paragraph (5).

(3) Pursuant to the consultation and assessments carried out under paragraphs (1) and (2) of this subsection, the Commissioner shall make recommendations to the Assistant Administrator on adjustments that, in the exercise of the adaptive management provisions of the salmonid biological opinion, ~~can improve water supplies will reduce water supply impacts of the salmonid biological opinion on the Central Valley Project and the California State Water Project~~ and are consistent with the requirements of applicable law and as further described in subsection (c).

(4) The Commissioner shall implement those adjustments for which the conditions under subsection (c) are met.

(5) The Assistant Administrator and the Commissioner shall review and identify adjustments to water supply restrictions in any successor biological opinion to the salmonid biological opinion, applying the provisions of this section to those water supply restrictions where there are references to Actions IV.2.1 and IV.2.3.

(c) Adjustments that shall be implemented. ~~In receiving reviewing~~ the recommendations under subsection (b), the Assistant Administrator shall evaluate the effects of the recommended adjustments on listed species and shall adjustments for which:

(1) the net effect on listed species is equivalent to those of the underlying criteria in the salmonid biological opinion, taking into account whatever actions or measures may be implemented in conjunction with the adjustments to mitigate its effects; and

(2) the effects of the adjustment fall within the incidental take authorizations.

(d) ~~Taking into account offsetting species survival benefits from other measures.~~

When examining and identifying opportunities to offset the potential adverse effect of adjustments to operating criteria, the Commissioner and the Assistant Administrator shall take into account the potential species salmonid-survival improvements that are likely to result from other measures which, if implemented in conjunction with the adjustments, would offset ~~the~~ adverse effects, if any, of the adjustments. When ~~considering evaluating~~ offsetting measures, the Commissioner and the Assistant Administrator shall consider the

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type, timing and nature of the adverse effects, if any, to specific species and ensure that the measures provide equivalent overall benefits to the listed species in the aggregate, as long as the change will not cause a negative impact on the long-term survival of a listed salmonid species.

~~(1) The offsetting measures could include actions implemented with the support of a substantial contribution from water districts that would benefit from the adjustments.~~

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- (e) Framework for examining opportunities to minimize or offset the potential adverse effect of adjustments to operating criteria.—Not later than December 31, 2015, and every five years thereafter, the Assistant Administrator shall, in collaboration with the Director of the California Department of Fish and Wildlife, based on the best scientific and commercial data available and for each listed salmonid species, issue estimates of the increase in through-Delta survival the Secretary expects to be achieved—

(1) ~~through with restrictions on~~ export ~~pumping rates restrictions~~ as specified by Action IV.2.3 as compared to limiting OMR flow to a fixed rate of -5000 cubic feet per second within the time period Action IV.2.3 is applicable, based on a given rate of San Joaquin River inflow to the Delta and holding other relevant factors constant;

(2) ~~through with~~ San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1 as compared to the ~~export~~ restrictions in the April/May period imposed by the State Water Resources Control Board decision D-1641, based on a given rate of San Joaquin River inflow to the Delta and holding other relevant factors constant;

(3) through a trap and barge program based on the experience of other systems to the extent they are comparable, and the study described in section 202, as that information becomes available;

(4) through physical habitat restoration improvements;

(5) through predation control programs;

(6) through the installation of temporary barriers, the management of Cross Channel Gates operations, and other projects affecting flow in the Delta;

(7) ~~through by~~ salvaging fish that may be entrained near the entrance to Clifton Court Forebay; and

(8) ~~through by~~ any other management measures that may provide equivalent or better protections benefits for listed species ~~with improvements to water supplies while maximizing export pumping rates without causing a negative impact on the long-term survival of a listed salmonid species.~~

- (f) Survival estimates ~~to be quantitative to the maximum extent feasible.~~

(1) ~~To the maximum extent feasible, the~~ Assistant Administrator shall make ~~these quantitative estimates of survival, and determinations quantitatively to the maximum extent feasible,~~ such as a range of percentage increases in through-Delta survival that could result from the management measures, and if the scientific information is lacking for quantitative estimates, shall do so on qualitative terms based upon the best available science.

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(2) If the Assistant Administrator provides qualitative survival estimates for a species resulting from one or more management measures, the Secretary shall, to the maximum extent feasible, rank the management measures described in subsection (e) in terms of their most likely expected contribution to increased through-Delta survival relative to the other measures.

(3) If at the time the Assistant Administrator conducts the analysis under subsection (b), the Secretary has not issued an the estimates of increased through-Delta survival benefits from different management measures pursuant to subsection (e), the Secretary shall compare the protections benefits to the species from different management measures based on the best scientific and commercial data available at the time.

(g) Comparison of adverse consequences for alternative management measures of equal protection for a species, benefit to the salmon.

(1) For the purposes of this subsection—

(A) The alternative management measure or combination of alternative management measures identified in paragraph (2) shall be known as the “equivalent alternative measure.”

(B) The existing measure or measures identified in subparagraphs (2)(A),(B),(C), or (D) shall be known as the “equivalent existing measure.”

(C) An “equivalent increase in through-Delta survival rates for listed salmonid species” shall mean an increase in through-Delta survival rates that is equivalent when considering the change in through-Delta survival rates for the listed salmonid species in the aggregate, and not the same change for each individual species, as long as the change in survival rates will not cause a negative impact on the long-term survival of a listed salmonid species.

(2) As part of the reviews of operating criteria pursuant to subsection (b), the Assistant Administrator shall determine whether any alternative management measures or combination of alternative management measures listed in subsection (e)(3) through (8) would provide an increase in through-Delta survival rates for listed salmonid species that is equivalent to the increase in through-Delta survival rates for listed salmonid species from the following:

(A) through restrictions on export pumping rates with export restrictions as specified by Action IV.2.3, as compared to limiting OMR flow to a fixed rate of -5000 cubic feet per second within the time period Action IV.2.3 is applicable;

(B) through restrictions on export pumping rates with export restrictions as specified by Action IV.2.3, as compared to a modification of Action IV.2.3 that would provide additional water supplies, other than that described in subparagraph (A);

(C) through with San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1, as compared to the export restrictions in the April/May period imposed by the State Water Resources Control Board decision D-1641, or

(D) through with San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1, as compared to a modification of Action IV.2.1

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that would reduce water supply impacts of the salmonid biological opinion on the Central Valley Project and the California State Water Project, other than that described in subparagraph (C).

(3) If the Assistant Administrator identifies an equivalent alternative measure pursuant to paragraph (2), the Assistant Administrator shall determine whether

(A) it is technically feasible and within federal jurisdiction to implement the equivalent alternative measure, and

(B) the adverse consequences of doing so are less than the adverse consequences of the equivalent existing measure, including a concise evaluation of the adverse consequences to other affected interests.

(4) If the Assistant Administrator makes the findings in subparagraph (3)(A) and (B), the Assistant Administrator and the Commissioner shall adjust the operating criteria in the salmonid biological opinion pursuant to this subsection to implement the equivalent alternative measure in place of the equivalent existing measure in order to increase export rates of pumping-water supplies to the greatest extent possible while maintaining a net combined effect of equivalent through-Delta survival rates for the listed salmonid species.

(h) Tracking adverse effects beyond the range of effects accounted for in the salmonid biological opinion and coordinated operation with the smelt biological opinion.

(1) Among the adjustments to the operational criteria considered through the adaptive management process under this section, the Assistant Administrator and the Commissioner shall

(A) Evaluate the effects on listed salmonid species and water supply of the potential adjustment to operational criteria described in subparagraph (B); and

(B) Consider requiring that before some or all of the provisions of Actions IV.2.1. or IV.2.3 are imposed in any specific instance, the Assistant Administrator show that the implementation of these provisions in that specific instance is necessary to avoid a negative impact on the long-term survival of a listed salmonid species. ~~additional adverse effects upon listed salmonid species beyond the range of effects analyzed and accounted for in the salmonid biological opinion~~

(2) The Assistant Administrator, the Director and the Commissioner, in coordination with State officials as appropriate, shall establish operational criteria to coordinate management of OMR flows under the smelt and salmonid biological opinions, in order to take advantage of opportunities to provide additional water supplies from the coordinated implementation of the biological opinions.

(i) Real-Time Monitoring and Management. The Assistant Administrator and the Commissioner shall, through the NMFS adaptive management salmonid biological opinion provisions, analyze whether date-certain triggers that limit OMR reverse flow to -5000 cubic feet per second could be adjusted to instead use real-time migration information on salmonids. If the analysis shows that the use of real-time information to trigger OMR flow limitations would improve water supply without causing significant adverse effects to Winter-run Chinook salmon, then such real-time management triggers shall be implemented.

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**SEC. 204. PILOT PROGRAM TO PROTECT NATIVE
ANADROMOUS FISH IN THE STANISLAUS RIVER.**

(a) Establishment of Non-native Predator Fish Removal Program. The Assistant Administrator, in consultation with the United States Fish and Wildlife Service and the California Department of Fish and Wildlife, shall develop and conduct a pilot non-native predator fish removal program to remove non-native striped bass, smallmouth bass, largemouth bass, black bass, and other non-native predator fishes in and around the Bay Delta, including the Stanislaus River, contingent upon funding. The pilot program shall--

(1) be scientifically based;

(2) include methods to quantify the number and size of predator fishes removed each year, the impact of such removal on the overall abundance of predator fishes, and the impact of such removal on the populations of juvenile anadromous fish found in the Stanislaus River and elsewhere by, among other things, evaluating the number of juvenile anadromous fish that migrate past the rotary screw trap located at Caswell;

(3) among other methods, use wire fyke trapping, portable resistance board weirs, and boat electrofishing, which are among the most effective predator collection techniques that minimize effects to native anadromous fish;

(4) be developed, including the application for all necessary scientific research and species enhancement permits under section 10(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)), for the performance of the pilot program, not later than 6 months after the date of the enactment of this Act;

(5) be implemented on the first business day of the calendar year following the issuance of all necessary scientific research, species enhancement permits, and funding needed to begin the pilot program; and

(6) be implemented for a period of seven consecutive calendar years.

(b) Management. The Assistant Administrator is authorized and encouraged to enter into agreements with interested local water districts to jointly develop, implement and evaluate this pilot program. Such parties shall work collaboratively to ensure the performance of the pilot program, and shall discuss and agree upon, among other things, changes in the structure, management, personnel, techniques, strategy, data collection, reporting and conduct of the pilot program.

(c) Conduct.—

(1) IN GENERAL.—By agreement between the Assistant Administrator and the participating districts, the pilot program may be conducted by their own personnel, qualified private contractors hired by the districts, personnel of, on loan to, or otherwise assigned to NOAA Fisheries, or a combination thereof.

(2) PARTICIPATION BY NOAA FISHERIES.—In the event the districts elect to conduct the program using their own personnel or qualified private contractors hired by them, the Commissioner has the option to assign an employee of, on loan to, or otherwise assigned to NOAA Fisheries, to be present for all activities performed in the field. Such presence shall

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ensure compliance with the agreed upon elements specified in subsection (b). The districts shall pay 100 percent of the cost of such participation as specified in subsection (d).

(3) TIMING OF ELECTION.—The districts shall notify the Assistant Administrator of their election on or before October 15 of each calendar year of the pilot program, which election shall apply to the work performed in the subsequent calendar year.

(d) Funding.—

(1) ANNUAL FUNDING.—The Commissioner, the Assistant Administrator, and the participating districts shall develop a budget and funding plan for the pilot project that will allocate costs appropriately amongst the participating entities. On or before December 1 of each year of the pilot program, the Commissioner shall submit to the districts an estimate of the cost to be incurred by the Bureau of Reclamation in the following calendar year, if any, including the cost of any data collection and posting under subsection (e). If an amount equal to the estimate is not provided to the Assistant Administrator by the districts on or before December 31 of each year, (a) NOAA Fisheries shall have no obligation to conduct the pilot program activities otherwise scheduled, and (b) the districts shall be prohibited from conducting any aspect of the pilot program, until full payment is made by the districts.

(2) ACCOUNTING.—On or before September 1 of each calendar year, the Assistant Administrator shall provide an accounting of the prior calendar year's expenses to the participating entities. If the estimate paid by the districts was less than the actual costs incurred by NOAA Fisheries, the districts shall have until September 30 of that calendar year to pay the difference to the fund identified by the Assistant Administrator in subsection (d)(1), or NOAA Fisheries shall have no obligation to conduct the pilot program activities otherwise scheduled. If the estimate paid by the districts was greater than the actual costs incurred by NOAA Fisheries, then a credit shall be provided to the districts, which shall be deducted from the estimate payment the districts must make for the work performed by NOAA Fisheries, if any, in the next calendar year.

(e) Reporting and Evaluation.—

(1) IN GENERAL.—On or before the 15th day of each month, the Assistant Administrator shall post on the website of NOAA Fisheries a tabular summary of the raw data collected in the prior month.

(2) REPORT.—On or before June 30 of the calendar year following the completion of the program, the Assistant Administrator and districts shall jointly submit a report for peer review that—

(A) discusses the findings and conclusions of the pilot program;

(B) synthesizes the data collected under paragraph (1); and

(C) makes recommendations for further study and action.

(f) Permits Process.—

(1) Not later than one year after filing of an application by the Assistant Administrator and the districts, the Secretary of the Interior, the Secretary of Commerce, or both, as appropriate, shall issue all necessary scientific research and species enhancement permits

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under section 10(a)(1) of the Endangered Species Act (16 U.S.C. 153(9)(a)(1)), for the performance of the pilot program.

(2) All permits issued shall be in the name of NOAA Fisheries and the participating districts.

(3) Districts may delegate the authority to administer the permit authority to any qualified private contractor retained in accordance with subsection (c).

(g) Emergency Environmental Reviews.—To expedite this environmentally beneficial program for the conservation of threatened and endangered species, the Secretary of the Interior shall consult with the Council on Environmental Quality in accordance with Section 1506.11 of title 40, Code of Federal Regulations (including successor regulations) to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 for this section.

(h) Definitions.—For the purposes of this section:

(1) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of the Bureau of Reclamation.

(2) DISTRICTS.—The term ‘districts’ means the Oakdale Irrigation District and the South San Joaquin Irrigation District.

(3) PILOT PROGRAM.—The term ‘program’ means the pilot non-native predator removal program established under this section.

(i) Sunset.—The authorities provided under this section shall expire seven years after the implementation of the pilot program.

**SEC. 205. CALFED INVASIVE SPECIES PILOT PROJECTS
IN THE SACRAMENTO-SAN JOAQUIN BAY DELTA AND
ITS TRIBUTARIES.**

(a) FINDINGS.—Congress finds that—

(1) The Sacramento-San Joaquin Bay Delta and its Tributaries-

(A) is one of the largest and most diverse estuaries in the United States,

(B) is a natural treasure and a vital link in California’s water system, and

(C) has native biodiversity important to the ecological and economic systems of California, including water deliveries to agriculture, municipalities and to the environment and fisheries industries, and

(D) has river tributaries important for rearing of salmon and steelhead smolts which experience a high level of predation from non-native species.

(2) Past, present and future introductions of invasive species are and will be a major factor in the decline of native pelagic and anadromous endangered or threatened species in the Sacramento–San Joaquin Bay Delta and its tributaries.

(3) More than 250 nonnative aquatic and plant species have been introduced into the Delta and its tributaries; of these, at least 185 species have become established and have altered the Sacramento-San Joaquin Bay Delta watershed’s ecosystem.

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(4) The Bay Delta Conservation Plan, the Recovery Plan for the Evolutionarily Significant Units of Sacramento River Winter-run Chinook Salmon and Central Valley Spring-run Chinook Salmon and the Distinct Population Segment of the Central Valley Steelhead, the Recovery Plan for the Sacramento-San Joaquin Delta Native Fishes, and the multiple 5 year reviews of those plans all highlight that introduced nonnative invasive species are a significant factor in the decline of native fish species. These nonnative species, which include invasive aquatic vegetation, predators, and competitors, directly or indirectly cause biological stress for pelagic and anadromous endangered or threatened fish species in the Sacramento-San Joaquin Bay-Delta and its tributaries.

(5) If threats by nonnative species to native fish species are not addressed, there is a probability that native species of the Sacramento-San Joaquin Bay-Delta watershed's pelagic and anadromous community will go extinct.

(6) The CALFED legislation (Public Law 108-361) authorized a program to prevent, control, and eradicate invasive species, but it has not been implemented to date.

(7) A focused pilot program needs to be conducted within the Delta and river tributaries to reduce threats to native listed species by nonnative species. Reducing nonnative stressors on native listed species will contribute to both native listed species recovery and lowering the impact on downstream water users as those native listed species recover.

(b) PILOT PROJECTS TO IMPLEMENT CALFED INVASIVE SPECIES PROGRAM.

(1) Not later than January 1, 2016, the Secretary of the Interior, in collaboration with the Secretary of Commerce and the Director of the California Department of Fish and Wildlife, shall begin pilot projects to implement the invasive species program, including prevention, control and eradication authorized pursuant to Section 103(d)(6)(A)(iv) of Public Law 108-361. The pilot projects shall:

(A) seek to reduce invasive aquatic vegetation, predators, and other competitors which are major factors in the decline of native listed pelagic and anadromous species that occupy the Sacramento and San Joaquin Rivers and their tributaries and the Sacramento-San Joaquin Bay-Delta; and

(B) address how to remove, reduce, or control the effects of species including: Asiatic clams, silversides, gobies, Brazilian water weed, largemouth bass, smallmouth bass, striped bass, crappie, bluegill, white and channel catfish, and brown bullheads.

(2) The Secretary of the Interior's efforts shall consist of the following phases:

(A) Phase 1. The Secretary of the Interior shall convene a panel of experts, including experts recommended by the State of California, to:

- (i) Identify the non-native species having the greatest impact on the viability of native pelagic and anadromous native listed species; and
- (ii) Identify the non-native species for which actions to reduce or control the population is determined to be possible; and
- (iii) Design a study to reduce the non-native species identified in clauses (i) and (ii) and prepare a cost estimate to implement this study.

(B) Phase 2. The Secretary of the Interior shall test the general viability of nonnative reduction methods, including either direct predator removal or alteration of channel

Commented [A3]: Awaiting feedback from the agencies on whether the experts in an existing predation workshop would address the items outlined in clauses (i) through (iii) of subparagraph (A) in the proposed text.

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conditions, or some combination thereof, through pilot projects at multiple sites in addition to the projects on the Stanislaus River pursuant to Section 204, including known hotspots of predator aggregation or activity, such as:

- (i) Clifton Court Forebay,
- (ii) Central Valley Project intakes,
- (iii) Head of Old River,
- (iv) Georgiana Slough,
- (v) Old and Middle Rivers,
- (vi) Franks Tract,
- (vii) Paintersville Bridge,
- (viii) individual river tributaries important for wild populations of anadromous species listed as threatened or endangered under the Endangered Species Act of 1973,
- (ix) Human-made submerged structures, and
- (x) Salvage release sites.

(C) Phase 3. If it is feasible to do so, the Secretary of the Interior shall implement nonnative reduction methods at a larger number of sites, incorporating information learned during the first and second phase.

(3) The Secretary of the Interior shall collect data associated with the implementation of the projects above, and shall specifically collect data on the impact on

(A) pelagic and anadromous species listed as threatened or endangered under the Endangered Species Act of 1973,

(B) water quality, and

(C) water supply.

(4) After assessing the data described in subparagraph (2), the Secretary of the Interior, in collaboration with the Secretary of Commerce and the Director of the California Department of Fish and Wildlife, shall, if appropriate, annually recommend revisions to the reasonable and prudent alternatives contained in the salmonid biological opinion and the smelt biological opinion, or other administrative federal requirements governing the operation of the Central Valley Project and the State Water Project, that are likely to produce additional fishery, water quality, and water supply benefits.

(c) IMPLEMENTATION. The Secretary of the Interior shall implement the CALFED program described in subpart (b) for at least a period of seven consecutive years beginning on the date of implementation.

(d) REPORTING REQUIREMENTS. The Secretary of the Interior shall provide reports to the Senate Committee on Environment and Public Works and the House Committee on Natural Resources on the following:

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(1) No later than January 1, 2016, a description of the projects described in subpart (b), including the application for all necessary scientific research and species enhancement permits under section 10(a) (1) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)), and for the performance of the CALFED invasive species Program.

(2) Upon the completion of Phase 1 as described in subsection (b)(1)(A), a report describing its implementation and cost effectiveness.

(3) Two years after the project begins, a report describing the progress of the eradication of the nonnative species in the Sacramento-San Joaquin Bay-Delta and its tributaries and how such efforts have helped the Recovery Plans for endangered and threatened Anadromous and Pelagic Species in the Sacramento-San Joaquin Bay-Delta watershed and the associated cost effectiveness of each control measure.

(4) After the pilot projects are complete, a report describing the results of the program, including recommendations on whether the program should be continued, how the program may be taken to full scale in the most cost effective manner, and how a mitigation program for the Central Valley Project allowable under section 10(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)) could be implemented.

(e) EMERGENCY ENVIRONMENTAL REVIEWS. To expedite this environmentally beneficial program for the conservation of threatened and endangered species, the Secretary of the Interior shall consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (including successor regulations) to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 for this program.

SEC. 206. MARK FISHERY AND HARVEST MANAGEMENT.

To minimize the impact of harvest and project operations on salmonids, contribute to recovery of stocks of endangered or threatened species, improve management of fish stocks of both hatchery and natural origins, and to minimize risk of a natural origin fall Chinook listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Assistant Administrator shall

(1) in partnership with the Director of the California Department of Fish and Wildlife and persons responsible for funding Central Valley hatcheries, convene an independent science panel within 60 days of enactment of this Act to follow up on the 2012 California Hatchery Scientific Review Group's recommendations by providing an assessment of costs and benefits associated with marking, with tagging, and with a program that combines in some way marking and tagging Central Valley hatchery produced fall Chinook. The Assistant Administrator shall ensure that the independent science panel—

(A) Includes an appropriate number of scientific experts as determined and appointed by the Assistant Administrator, and an equal number of scientific experts selected by entities responsible for funding California salmon mitigation hatcheries;

(B) Considers and gives equal weight to both inland and ocean monitoring and management needs, including harvest.

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(C) Completes the review by December 31, 2015.

(2) assess and implement harvest management strategies by October 1, 2018 to provide better protection for sensitive Chinook stocks while still allowing for harvest of hatchery fall Chinook.

SEC. 207. NEW ACTIONS TO BENEFIT CENTRAL VALLEY SALMONIDS.

Not later than March 1, 2016, under similar terms and conditions as successful United States Fish and Wildlife Service programs on Clear Creek and Battle Creek, the Director, in collaboration with the Director of the California Department of Fish and Wildlife, the Commissioner of the Bureau of Reclamation, or both, shall issue necessary permits and otherwise facilitate the deployment of temporary in-river structures—

(1) to protect and grow natural origin spring Chinook populations by blocking access to hatchery origin fall Chinook; and

(2) to prevent hatchery origin Chinook salmon and steelhead from reaching spawning grounds where the species will compete for spawning with natural origin fish listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

TITLE III—OPERATIONAL FLEXIBILITY AND DROUGHT RELIEF

SEC. 301. FINDINGS.

Congress finds that—

(1) Based on the congressional findings in Sec. 2 of this Act, it is appropriate and necessary for federal agencies to exercise the maximum amount of flexibility provided to them under the applicable laws and regulations to maximize delivery of water supplies while providing the same or better levels of protection for species.

SEC. 302. DEFINITIONS.

In this title:

(1) **CENTRAL VALLEY PROJECT.**—The term “Central Valley Project” has the meaning given the term in section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4707).

(2) **KLAMATH PROJECT.**—The term “Klamath Project” means the Bureau of Reclamation project in the States of California and Oregon, as authorized under the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

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(3) RECLAMATION PROJECT.—The term “Reclamation Project” means a project constructed pursuant to the authorities of the reclamation laws and whose facilities are wholly or partially located in the State.

(4) SECRETARIES.—The term “Secretaries” means—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Agriculture;

(C) the Secretary of Commerce; and

(D) the Secretary of the Interior.

(5) STATE WATER PROJECT.—The term “State Water Project” means the water project described by California Water Code section 11550 et seq., and operated by the California Department of Water Resources.

SEC. 303. OPERATIONAL FLEXIBILITY IN TIMES OF DROUGHT.

(a) Water Supplies.—

(1) IN GENERAL.—In response to a declaration of a state of drought emergency by the Governor of California and for the period of time such a drought declaration remains in effect, the Secretaries shall provide the maximum quantity of water supplies practicable to Central Valley Project agricultural, municipal and industrial, and refuge service and repayment contractors, State Water Project contractors, and any other tribe, locality or municipality in the State, by approving, consistent with applicable laws (including regulations), projects and operations to provide additional water supplies as quickly as practicable based on available information to address the emergency conditions.

(2) APPLICATION.—Paragraph (1) applies to projects or operations involving the Klamath Project if the projects or operations would benefit Federal water contractors in the State.

(b) Administration.—In carrying out subsection (a), the Secretaries shall, consistent with applicable laws (including regulations)—

(1) issue all necessary permit decisions under the authority of the Secretaries not later than 30 days after the date on which the Secretaries receive a completed application from the State to place and use temporary barriers or operable gates in Delta channels to improve water quantity and quality for the State Water Project and the Central Valley Project south of Delta water contractors and other water users, on the condition that the barriers or operable gates—

(A) provide benefits for species protection and in-Delta water user water quality; and

(B) are designed so that formal consultations under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) are not necessary;

(2) require the Director of the United States Fish and Wildlife Service and the Commissioner of Reclamation—

(A) to complete, not later than 30 days after the date on which the Director or the

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Commissioner receives a complete written request for water transfer associated with voluntarily following nonpermanent crops in the State, all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) necessary to make final permit decisions on the request; and

(B) to grant any water transfer request described in subparagraph (A) to maximize the quantity of water supplies available for nonhabitat uses, on the condition that the following and associated water transfer are in compliance with applicable Federal laws (including regulations);

(3) adopt a 1:1 inflow to export ratio, ~~for the increment of increased flow of the San Joaquin River,~~ as measured as a 3-day running average at Vernalis during the period beginning on April 1, and ending on May 31, ~~absent a determination in writing that a more restrictive inflow to export ratio is required to avoid a negative impact on the long-term survival of a listed salmonid species; provided that the a 1:1 inflow to export ratio shall apply for the increment of increased flow of the San Joaquin River~~ resulting from the voluntary ~~sale, transfers, or and exchanges~~ of water ~~from agencies with rights to divert water from the San Joaquin River or its tributaries, supplies, on the condition that a proposed transfer or exchange under this paragraph may only proceed if the Secretary of the Interior determines that the environmental effects of the proposed transfer or exchange are consistent with effects permissible under applicable law (including regulations), and provided tht~~ Delta conditions are suitable to allow movement of the ~~acquired, transfer transferred, or exchanged~~ water through the Delta consistent with ~~the Central Valley Project's and the State Water Project's Reclamation's~~ permitted water rights; and

(4) Provide additional priority for eligible WaterSMART projects that address drought conditions including projects that—

(A) provide emergency drinking and municipal water supplies to localities in a quantity necessary to meet minimum public health and safety needs;

(B) prevent the loss of permanent crops;

(C) minimize economic losses resulting from drought conditions; or

(D) provide innovative water conservation tools and technology for agriculture and urban water use that can have immediate water supply benefits.

(c) Accelerated Project Decision and Elevation.—

(1) IN GENERAL.— On request by the Governor of the State, the heads of Federal agencies shall use the expedited procedures under this subsection to make final decisions relating to a Federal project or operation if the project's or operation's purpose is to provide relief for emergency drought conditions pursuant to subsections (a) and (b).

(2) REQUEST FOR RESOLUTION.—

(A) IN GENERAL.— On request by the Governor of the State, the head of a Federal agency referenced in paragraph (1), or the head of another Federal agency responsible for carrying out a review of a project, as applicable, the Secretary of the Interior shall convene a final project decision meeting with the heads of all relevant Federal agencies to decide whether to approve a project to provide relief for emergency drought

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conditions.

(B) MEETING.—The Secretary of the Interior shall convene a meeting requested under subparagraph (A) not later than 7 days after the date on which the meeting request is received.

(3) NOTIFICATION.—On receipt of a request for a meeting under paragraph (2), the Secretary of the Interior shall notify the heads of all relevant Federal agencies of the request, including information on the project to be reviewed and the date of the meeting.

(4) DECISION.—Not later than 10 days after the date on which a meeting is requested under paragraph (2), the head of the relevant Federal agency shall issue a final decision on the project, subject to subsection (e)(2).

(5) MEETING CONVENED BY SECRETARY.—The Secretary of the Interior may convene a final project decision meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under paragraph (2).

(d) Application.—To the extent that a Federal agency, other than the agencies headed by the Secretaries, has a role in approving projects described in subsections (a) and (b), this section shall apply to those Federal agencies.

(e) Limitation.—Nothing in this section authorizes the heads of applicable Federal agencies to approve projects—

(1) that would otherwise require congressional authorization; or

(2) without following procedures required by applicable law.

(f) Drought Plan. The Secretaries of Commerce and the Interior, in consultation with appropriate State officials, shall develop a drought operations plan for the duration of the existing drought emergency that is consistent with the provisions of this section and other provisions of this Act intended to provide additional water supplies that could be of assistance during the current drought.

SEC. 304. OPERATION OF CROSS-CHANNEL GATES.

(a) In General.—The Secretary of Commerce and the Secretary of the Interior shall jointly—

(1) authorize and implement activities to ensure that the Delta Cross Channel Gates remain open to the maximum extent practicable using findings from the United States Geological Survey on diurnal behavior of juvenal salmonids, timed to maximize the peak flood tide period and provide water supply and water quality benefits for the duration of the drought emergency declaration of the State, consistent with operational criteria and monitoring criteria developed pursuant to the Order Approving a Temporary Urgency Change in License and Permit Terms in Response to Drought Conditions of the California State Water Resources Control Board, effective January 31, 2014 (or a successor order) and other authorizations associated with it;

(2) with respect to the operation of the Delta Cross Channel Gates described in paragraph (1), collect data on the impact of that operation on—

(A) species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

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(B) water quality; and

(C) water supply;

(3) consistent with knowledge gained from activities carried out during 2014, collaborate with the California Department of Water Resources to install a deflection barrier at Georgiana Slough in coordination with Delta Cross Channel Gate diurnal operations to protect migrating salmonids;

Commented [A4]: Agencies are investigating the feasibility of diurnal operations.

(4) evaluate the combined salmonid survival in light of activities carried out pursuant to paragraphs (1) through (3) in deciding how to operate the Delta Cross Channel gates to enhance salmonid survival and water supply benefits; and

(5) not later than May 15, 2015, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a written report on the extent to which the gates are able to remain open.

(b) Recommendations.—After assessing the information collected under subsection (a), the Secretary of the Interior shall recommend revisions to the operation of the Delta Cross-Channel Gates, to the Central Valley Project, and to the State Water Project, including, if appropriate, any reasonable and prudent alternative contained in the biological opinion issued by the National Marine Fisheries Service on June 4, 2009, that are likely to produce fishery, water quality, and water supply benefits. The Secretary shall also coordinate with the State Water Resources Control Board to seek consistent direction for the operation of the Delta Cross-Channel Gates under federal and state law, including Water Right Decision 1641.

SEC. 305. FLEXIBILITY FOR EXPORT/INFLOW RATIO.

In response to the declaration of a state of drought emergency by the Governor of California and for the period of time such a drought declaration remains in effect, the Commissioner of the Bureau of Reclamation shall continue to vary the averaging period of the Delta Export/Inflow ratio pursuant to the California State Water Resources Control Board decision D1641, approved in the March Temporary Urgency Change Order—

(1) to operate to a 35 percent Export/Inflow ratio with a 3 day averaging period on the rising limb of a Delta inflow hydrograph; and

(2) to operate to a 14 day averaging period on the falling limb of the Delta inflow hydrograph.

SEC. 306. EMERGENCY ENVIRONMENTAL REVIEWS.

To minimize the time spent carrying out environmental reviews and to deliver water quickly that is needed to address emergency drought conditions in the State during the duration of an emergency drought declaration, the head of each applicable Federal agency shall, in carrying out this Act, consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (including successor regulations), to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) during the emergency.

SEC. 307. PRIORITIZING STATE REVOLVING FUNDS

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DURING DROUGHTS.

(a) In General.—This section shall apply for each of the fiscal years during which an emergency drought declaration of the State is in effect.

(b) The Administrator of the Environmental Protection Agency, in implementing the processes and programs under the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), shall, for those projects that are eligible to receive assistance under section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) or section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)),

(1) issue a determination of waivers within 30 days of the conclusion of the informal public comment period pursuant to section 436(c) of title IV of division G of Public Law 113–76; and

(2) authorize, at the request of the State, 40-year financing for assistance under section 603(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)(2)) or section 1452(f)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(f)(2)).

(c) Effect of Section.—Nothing in this section authorizes the Administrator of the Environmental Protection Agency to modify any funding allocation, funding criteria, or other requirement relating to State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for any other State.

SEC. 308. INCREASED FLEXIBILITY FOR REGULAR PROJECT OPERATIONS.

The Secretaries shall, consistent with applicable laws (including regulations)—

(1) to the maximum extent practicable, based on the availability of water and without causing land subsidence or violating water quality standards—

(A) help meet the contract water supply needs of Central Valley Project refuges through the improvement or installation of water conservation measures, water conveyance facilities, and wells to use groundwater resources, on the condition that those activities may only be accomplished by using funding made available under the Water Assistance Program or the WaterSMART program of the Department of the Interior; and

(B) make available to Central Valley Project contractors a quantity of Central Valley Project surface water obtained from the activities carried out under subparagraph (A);

(2) ~~contingent upon funding~~—in coordination with the Secretary of Agriculture, enter into an agreement with the National Academy of Sciences to conduct a comprehensive study, to be completed not later than 1 year after the date of enactment of this Act, on the effectiveness and environmental impacts of saltcedar biological control efforts on increasing water supplies and improving riparian habitats of the Colorado River and its principal

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tributaries, in the State and elsewhere;

(3) in coordination with the California Department of Water Resources and the California Department of Fish and Wildlife, implement offsite upstream projects in the Delta and upstream Sacramento River and San Joaquin basins that offset the effects on species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) due to activities carried out pursuant this Act, as determined by the Secretaries;

(4) manage reverse flow in the Old and Middle Rivers as prescribed by the smelt biological opinions ~~issued by the United States Fish and Wildlife Service on December 15, 2008, for Delta smelt and by the National Marine Fisheries Service on June 4, 2009, for and the salmonids biological opinion~~, or any successor biological opinions, to minimize water supply reductions for the Central Valley Project and the State Project; ~~and issue guidance no later than December 31, 2015 directing their employees to take all steps necessary to manage flow in accordance with this paragraph;~~

(5) as soon as practicable after the date of enactment of this Act and pursuant to existing authority available to the Secretary of the Interior, participate in, issue grants, or otherwise provide funding for pilot projects to increase water in reservoirs in regional river basins experiencing extreme, exceptional, or sustained drought that have a direct impact on the water supply of the State, including the Colorado River Basin, on the condition that any participation, grant, or funding by the Secretary of the Interior with respect to the Upper Division shall be with or to the respective State; and

(6) use all available scientific tools to identify any changes to real-time operations of the Bureau of Reclamation, State, and local water projects that could result in the availability of additional water supplies.

SEC. 309. TEMPORARY OPERATIONAL FLEXIBILITY FOR FIRST FEW STORMS OF 2015 WATER YEAR.

(a) Findings:

(1) During the 2014 water year, operations of the Central Valley Project and the State Water Project, the incidental take of adult Delta smelt was zero; of juvenile Delta smelt, 78 (7.7% of the incidental take ~~level~~ ~~limit~~); of winter run chinook, 339 (1.4% of the incidental take ~~level~~ ~~limit~~); of spring run chinook, zero; and of steelhead, 261 (8.7% of the incidental take ~~level~~ ~~limit~~).

(2) The Central Valley Project and State Water Project exceeded an Old and Middle River flow of -5,000 cubic feet per second over a 14-day average for brief periods after three storm events in February and March 2014, as a result of increased pumping, but did not cause substantially increased take of smelt or salmon.

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(3) Hydrological conditions in dry years, such as the 2014 water year, have not triggered water pumping restrictions pursuant to the smelt biological opinion.

(4) The Secretaries should be allowed more flexibility to increase pumping levels without causing significant risk to the listed species or weakening other environmental protections.

(5) Given California's severe drought conditions, significant groundwater withdrawals for irrigation due to lack of surface water supplies, and the depletion of water supplies in reservoirs, it is imperative that the Secretaries exercise for the duration of the existing drought emergency the flexibility provided herein to capture the maximum amount of ~~storm flows resulting from storm events when and if they occur in the 2015 water year,~~ and provide for the diversion of water to increase water ~~those~~ supplies to the Central Valley Project and State Water Project so that farms, businesses, and homes in drought-stricken areas will have an opportunity to bolster their meager supplies when water is available.

(b) In general. For the duration of the existing drought emergency, ~~C~~consistent with avoiding additional adverse effects upon listed fish species beyond the range of those authorized under the Endangered Species Act and other environmental protections under subsection (e), the Secretaries shall authorize the Central Valley Project and the State Water Project, combined, to operate at levels that result in negative Old and Middle River flows ~~at up to~~ -7500 cubic feet per second (based on United States Geological Survey gauges on Old and Middle Rivers) daily average for up to 21 cumulative days after October 1, 2014, as described in subsection (c).

(c) Days of temporary operational flexibility. The temporary operational flexibility described in subsection (b) shall be authorized on days that the California Department of Water Resources determines the daily average river flow of the Sacramento River is at, or above, 17,000 cubic feet per second as measured at the Sacramento River at Freeport gauge maintained by the United States Geologic Survey.

(d) Compliance with ESA authorizations. In carrying out this section, the Secretaries may continue to impose any requirements under the biological opinions during any period of temporary operational flexibility as they determine are reasonably necessary to avoid additional adverse effects on listed fish species beyond the range of those authorized under the Endangered Species Act.

(e) Other environmental protections.

(1) The Secretaries' actions under this section shall be consistent with applicable regulatory requirements under state law, including State Water Resources Control Board Decision 1641, as it may be implemented in any given year;

(2) During the first flush of sediment out the Delta during the 2015 water year, OMR flow may be managed at rates less negative than -5000 cubic feet per second for a minimum duration to avoid movement of adult ~~d~~Delta smelt (*Hypomesus transpacificus*) to areas in the southern Delta that would be likely to increase entrainment at Central Valley Project and State Water Project pumping plants;

(3) This section shall not ~~have any effect on the application~~ ble requirements of the salmonid biological opinion from April 1 to May 31, ~~unless the Secretary of Commerce finds that some or all of such applicable requirements may be adjusted during this time~~

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(4) During operations under this section, the Commissioner of Reclamation, in coordination with the Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife, shall undertake a monitoring program and other data gathering to insure incidental take ~~limits~~ levels are not exceeded, and to identify potential negative impacts and actions, if any, necessary to mitigate ~~any~~ impacts of the temporary operational flexibility to listed species listed ~~as threatened or endangered under the Endangered Species Act, 16 U.S.C. 1531-1544~~; and

(5) The Commissioner is authorized to take any action, including the transfer of appropriated funds between accounts that, in the Commissioner's judgment, are necessary to mitigate the impacts of such operations as long as any such mitigation is consistent with the requirements of this section.

(f) Technical adjustments to target period. If, before temporary operational flexibility has been implemented on 21 cumulative days, the Secretaries operate the Central Valley Project and the State Water Project combined at levels that result in Old and Middle River flows less negative than -7500 cubic feet per second during days of temporary operational flexibility as defined in subsection (c), the duration of such operation shall not be counted toward the 21 cumulative days specified in subsection (b).

(g) Emergency consultation; effect on running averages.

(1) If necessary to implement the provisions of this section, the Commissioner shall use the emergency consultation procedures under the Endangered Species Act and its implementing regulation at 50 CFR 402.05 to temporarily adjust the operating criteria under the biological opinions, solely for the 21 days of temporary operational flexibility—

(A) no more than necessary to achieve the purposes of this section consistent with the environmental protections in subsections (d) and (e); and

(B) including, as appropriate, adjustments to ensure that the actual flow rates during the periods of temporary operational flexibility do not count toward the 5-day and 14-day running averages of tidally filtered daily Old and Middle River flow requirements under the biological opinions.

(2) Following the conclusion of the 21 days of temporary operational flexibility, the Commissioner shall not reinitiate consultation on these adjusted operations if the effects on listed fish species of these operations under this section remain within the range of those authorized under the Endangered Species Act.

(h) Level of detail required for analysis. In articulating the determinations required under this section, the Secretaries shall fully satisfy the requirements herein but shall not be expected to provide a greater level of supporting detail for the analysis than feasible to provide within the short time frame permitted for timely decision-making in response to changing conditions in the Delta.

(i) Duration. This section shall expire on September 30, 2015.

SEC. 310. EXPEDITING WATER TRANSFERS.

(a) In General.—Section 3405(a) of the Central Valley Project Improvement Act (Public Law

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102–575; 106 Stat. 4709(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (4) through (6), respectively;

(2) in the matter preceding paragraph (4) (as so designated)—

(A) in the first sentence, by striking “In order to” and inserting the following:

“(1) IN GENERAL.—In order to”; and

(B) in the second sentence, by striking “Except as provided herein” and inserting the following:

“(3) TERMS.—Except as otherwise provided in this section”; and

(3) by inserting before paragraph (3) (as so designated) the following:

“(2) EXPEDITED TRANSFER OF WATER.—The Secretary shall take all necessary actions to facilitate and expedite transfers of Central Valley Project water in accordance with—

“(A) this Act;

“(B) any other applicable provision of the reclamation laws; and

“(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”;

(4) in paragraph (4) (as so designated)—

(A) in subparagraph (A), by striking “to combination” and inserting “or combination”; and

(B) by striking “3405(a)(2) of this title” each place it appears and inserting “(5)”; and

(5) in paragraph (5) (as so designated), by adding at the end the following:

“(E) The contracting district from which the water is coming, the agency, or the Secretary shall determine if a written transfer proposal is complete within 45 days after the date of submission of the proposal. If the contracting district or agency or the Secretary determines that the proposal is incomplete, the district or agency or the Secretary shall state with specificity what must be added to or revised for the proposal to be complete.”; and

(6) in paragraph (6) (as so designated), by striking “3405(a)(1)(A)-(C), (E), (G), (H), (I), (L), and (M) of this title” and inserting “(A) through (C), (E), (G), (H), (I), (L), and (M) of paragraph (4)”.

(b) Conforming Amendments.—The Central Valley Project Improvement Act (Public Law 102–575) is amended—

(1) in section 3407(c)(1) (106 Stat. 4726), by striking “3405(a)(1)(C)” and inserting “3405(a)(4)(C)”; and

(2) in section 3408(i)(1) (106 Stat. 4729), by striking “3405(a)(1) (A) and (J) of this title” and inserting “subparagraphs (A) and (J) of section 3405(a)(4)”

SEC. 311. WARREN ACT CONTRACTS.

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[To be supplied.]

SEC. 312. ADDITIONAL WARREN ACT CONTRACTS.

[To be supplied.]

TITLE IV—INCREASING WATER STORAGE

SEC. 401. FINDINGS.

Congress finds that—

(1) the record drought conditions being experienced in the State as of the date of enactment of this Act are—

(A) expected to recur in the future; and

(B) likely to do so with increasing frequency;

(2) water storage is an indispensable and integral part of any solution to address the long-term water challenges of the State;

(3) Congress authorized relevant feasibility studies for 4 water storage projects in the State, including projects for—

(A) enlargement of Shasta Dam in Shasta County under section 2(a) of Public Law 96–375 (94 Stat. 1506), as reaffirmed under section 103(d)(1)(A)(i)(I) of Public Law 108–361 (118 Stat. 1684);

(B) enlargement of Los Vaqueros Reservoir in Contra Costa County under section 215 of Public Law 108–7 (117 Stat. 147), as reaffirmed under section 103(d)(1)(A)(i)(II) of Public Law 108–361 (118 Stat. 1684);

(C) construction of North-of-Delta Offstream Storage (Sites Reservoir) in Colusa County under section 215 of Public Law 108–7 (117 Stat. 147), as reaffirmed under section 103(d)(1)(A)(ii)(I) of Public Law 108–361 (118 Stat. 1684); and

(D) construction of the Upper San Joaquin River storage (Temperance Flat) in Fresno and Madera Counties under section 215 of Public Law 108–7 (117 Stat. 147), as reaffirmed under section 103(d)(1)(A)(ii)(II) of Public Law 108–361 (118 Stat. 1684);

(4) (A) as of the date of enactment of this Act, it has been more than 10 years since the authorization of the feasibility studies referred to in paragraph (3); but

(B) complete and final feasibility studies have not been prepared for any of those water storage projects;

(5) as of August 2014, only 2 of the 4 projects referred to in paragraph (3) have completed draft feasibility studies;

(6) the slow pace of work on completion of the feasibility studies for those 4 water storage projects is—

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(A) unjustified; and

(B) of deep concern; and

(7) there is significant public interest in, and urgency with respect to, completing all feasibility studies and environmental reviews for the water storage projects referred to in paragraph (3), given the critical need for that infrastructure to address the water challenges of the State.

SEC. 402. CALFED STORAGE FEASIBILITY STUDIES.

(a) In General.—Notwithstanding subparagraph (B)(i) of section 103(d)(1) of Public Law 108–361 (118 Stat. 1684), the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this title as the “Secretary”), shall complete a final feasibility study and any other applicable environmental review documents for the project described in—

(1) subparagraph (A)(i)(I) of that section by not later than December 31, 2014;

(2) subparagraph (A)(ii)(II) of that section by not later than July 31, 2015.

(b) Environmental Reviews.—In carrying out subsection (a), the Secretary—

(1) shall ensure that—

(A) all applicable reviews, including reviews required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), are completed as expeditiously as practicable; and

(B) the shortest applicable process under that Act is used, including in the completion of—

(i) feasibility studies;

(ii) draft environmental impact statements; and

(iii) final environmental impact statements; and

(2) shall not be required to complete a draft or final environmental impact statement if the Commissioner of Reclamation determines, and the Secretary concurs, that the project fails to meet applicable Federal cost-benefit requirements or standards.

(c) Accountability.—

(1) If the Bureau of Reclamation determines that an environmental review document for the water storage projects referenced in of Section 103(d)(1) of P.L. 108-361 will not be completed according to the schedule specified in subsection (a), the Bureau shall notify the Senate Committee on Energy and Natural Resources, the Senate Appropriations Subcommittee on Energy and Water Development, and the House of Representatives Transportation and Infrastructure Committee within 14 days of the determination. The notification shall include:

(A) An explanation of the delay;

(B) The anticipated length of the delay and the revised completion date;

(C) The steps that the Bureau will take to mitigate the delay, including, but not limited to, a request to reprogram existing funds appropriated to the Bureau to meet the revised completion deadline.

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(2) The Bureau of Reclamation shall carry out the procedures in subsection (a) for each subsequent delay beyond the revised completion deadline.

SEC. 403. WATER STORAGE PROJECT CONSTRUCTION.

(a) The Secretary, acting through the Commissioner of the Bureau of Reclamation, may partner or enter into an agreement on the water storage projects identified in section 103(d)(1) of the Water Supply Reliability and Environmental Improvement Act (Public Law 108-361) (and Acts supplemental and amendatory to the Act) with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments within the applicable hydrologic region, to advance those projects.

(b) [PLACEHOLDER FOR AUTHORIZATION ISSUE]

SEC. 404. OTHER STORAGE FEASIBILITY STUDIES.

(a) Definition of Qualifying Project.—In this section, the term “qualifying project” means new surface water storage projects constructed on lands administered by the Department of the Interior in a State in which the Bureau of Reclamation has jurisdiction, exclusive of any easement, right-of-way, lease, or any private holding.

(b) Lead Agency.—

(1) QUALIFYING PROJECTS WITHIN JURISDICTION OF BUREAU OF RECLAMATION.—The Bureau of Reclamation shall serve as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, and other approvals or decisions required under Federal law (including regulations) to construct qualifying projects within the jurisdiction of the Bureau.

(2) QUALIFYING PROJECTS OUTSIDE JURISDICTION OF BUREAU OF RECLAMATION.—If the site of a qualifying project is not located in a State in which the Bureau of Reclamation has jurisdiction, the Secretary shall, by not later than 45 days after the date of receipt of an application for the qualifying project—

(A) designate an alternate agency within the Department of the Interior to serve as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, and other approvals or decisions required under Federal law (including regulations) to construct the qualifying project; or

(B) in consultation with the heads of other Federal departments and agencies, identify the appropriate lead agency for the qualifying project.

(c) Cooperating Agencies.—

(1) FEDERAL DEPARTMENTS AND AGENCIES.—The lead agency designated under paragraph (1) or (2) of subsection (b) shall—

(A) as soon as practicable after receipt of an application for a qualifying project, identify any Federal department or agency that may have jurisdiction over a review, permit, license, approval, or decision required for the qualifying project under applicable Federal laws (including regulations); and

(B) as soon as practicable after the date of identification under subparagraph (A)—

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- (i) notify each applicable department or agency of the identification; and
(ii) designate the department or agency as a cooperating agency, unless the department or agency—

(I) has no jurisdiction or authority with respect to the qualifying project;

(II) has no expertise or information relevant to the qualifying project or any review, permit, license, approval, or decision associated with the qualifying project; or

(III) does not intend—

(aa) to submit comments regarding the qualifying project; or

(bb) to conduct any review of the qualifying project or make any decision with respect to the qualifying project in a manner other than in cooperation with the Bureau of Reclamation.

(2) STATES.—A State in which a qualifying project is proposed to be carried out may elect, consistent with Federal and State law, to participate as a cooperating agency, if the lead agency designated for the proposed qualifying project under paragraph (1) or (2) of subsection (b) determines that the applicable agency of the State—

(A) has jurisdiction over the qualifying project under applicable Federal or State law;

(B) is required to conduct or issue a review of the qualifying project; and

(C) is required to make a determination regarding issuing a permit, license, or approval of the qualifying project.

(d) Duties of Lead Agency.—

(1) IN GENERAL.—Not later than 30 days after the date of receipt of an application for approval of a qualifying project, the lead agency shall hold a meeting among the applicant, the lead agency, and all cooperating agencies to establish, with respect to the qualifying project, all applicable—

(A) requirements;

(B) review processes; and

(C) stakeholder responsibilities.

(2) SCHEDULE.—

(A) ESTABLISHMENT.—Not later than 30 days after the date of the meeting under paragraph (1), the lead agency, in consultation with the attendees of the meeting, shall establish a schedule for completion of the qualifying project, taking into consideration, among other relevant factors—

(i) the responsibilities of cooperating agencies under applicable laws and regulations;

(ii) the resources available to the cooperating agencies and non-Federal project stakeholders;

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- (iii) the overall size and complexity of the qualifying project;
- (iv) the overall schedule for, and cost of, the qualifying project; and
- (v) the sensitivity of the natural and historic resources that may be affected by the qualifying project.

(B) REQUIREMENTS.—On establishment of a schedule for a qualifying project under subparagraph (A), the lead and cooperating agencies shall—

- (i) to the maximum extent practicable, adhere to the schedule; and
- (ii) submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives on a semiannual basis a report describing any delays in the schedule, including a description of—

(I) the reasons for the delay;

(II) the actions that the lead and cooperating agencies will take to minimize the delay; and

(III) a revised schedule for the qualifying project, if applicable.

(e) Environmental Reviews.—

(1) SINGLE, UNIFIED ENVIRONMENTAL REVIEW DOCUMENT.—

(A) IN GENERAL.—The lead agency with respect to a qualifying project, in consultation with appropriate stakeholders and cooperating agencies, shall determine whether a single, unified environmental review document relating to the qualifying project is sufficient to comply with applicable Federal laws (including regulations), including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) ACTION ON DECLINATION.—If, after consultation under subparagraph (A), a lead agency determines not to adopt a single, unified environmental review document relating to a qualifying project—

(i) the lead agency shall—

(I) document the reasons for the determination; and

(II) submit to the Secretary a report describing those reasons; and

(ii) the Secretary may require the adoption of a single, unified document at the discretion of the Secretary, based on good cause.

(2) ENVIRONMENTAL ASSESSMENT.—Except as provided under paragraph (4), if the lead agency with respect to a qualifying project, in consultation with cooperating agencies, determines that an environmental assessment is sufficient to comply with the requirements of this subsection and other applicable Federal laws (including regulations)—

(A) the public comment period for a draft environmental assessment shall be no more than 60 days after publication in the Federal Register of notice of the public issuance of that draft; and

(B) the lead agency shall issue the final environmental assessment by not later than

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180 days after the end of the period for public comments on the draft environmental assessment.

(3) ENVIRONMENTAL IMPACT STATEMENT.— Except as provided under paragraph (4), if the lead agency with respect to a qualifying project, in consultation with cooperating agencies, determines that an environmental impact statement is required to comply with the requirements of this subsection and other applicable Federal laws (including regulations)—

(A) the public comment period for a draft environmental impact statement shall be no more than 60 days after publication in the Federal Register of notice of the public issuance of that draft; and

(B) the lead agency shall issue the final environmental impact statement by not later than 1 year after the end of the period for public comments on the draft environmental impact statement.

(4) MODIFICATION OF SCHEDULE.—In carrying out paragraphs (2) and (3),

(A) the lead agency with respect to a qualifying project may modify the schedule of the qualifying project if:

(i) the Federal lead agency can demonstrate good cause, such as the need for additional time to comply with other statutory or regulatory requirements other than the National Environmental Policy Act of 1969, and the head of that agency submits to Congress a written determination describing the cause and reasons for the modification no less than 30 days before the original scheduled deadline; or

(ii) the Federal lead agency, the project sponsor, the joint lead agency (as applicable), and all participating and cooperating agencies agree to such modification.

(B) no modification pursuant to subparagraph (4)(A) shall postpone the issuance of a final environmental assessment by more than 1 year, or a final environmental impact statement by more than 2 years, unless the conditions under (4)(A)(i) or (4)(A)(ii) are met.

(C) If a modification occurs pursuant to this paragraph, the Federal lead agency shall issue and adhere to the revised schedule unless the conditions under (4)(A)(i) or (4)(A)(ii) are met.

(5) REQUIREMENTS.—On commencement of the environmental review process under this subsection, the lead and cooperating agencies shall, as soon as practicable—

(A) make available to all stakeholders of the qualifying project information regarding—

(i) the environmental and socioeconomic resources located within the area of the qualifying project; and

(ii) the general locations of the alternatives under consideration; and

(B) identify any issues of concern regarding the potential environmental or socioeconomic effects of the qualifying project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that

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is needed for a study relating to the qualifying project.

(f) Concurrent Review Actions.—

(1) IN GENERAL.—Any review, analysis, permit, license, approval, or decision regarding a qualifying project made by a Federal, State, or local government agency shall be—

(A) conducted, to the maximum extent practicable, concurrently with any other applicable government agency; and

(B) incorporated in the schedule for the qualifying project under subsection (d)(2).

(2) REQUIREMENT.—The lead and cooperating agencies for a qualifying project shall formulate and implement administrative, policy, and procedural mechanisms to enable adherence to the schedule for the qualifying project in a timely, coordinated, and environmentally responsible manner.

(3) GUIDANCE.—The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that, to the maximum extent practicable—

(A) eliminates repetitive discussions of the same issues;

(B) focuses on the actual issues ripe for analysis at each level of review;

(C) establishes a formal process for coordinating with participating and cooperating agencies, including the establishment of a list of all data required to carry out an environmental review process; and

(D) complies with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and all other applicable laws and regulations.

(g) Administrative Record and Data Management.—

(1) IN GENERAL.—The lead agency shall—

(A) be responsible for compiling the administrative record of the information used as the basis for decisions relating to a qualifying project; and

(B) to the maximum extent practicable and consistent with Federal law, make available all data regarding the qualifying project in a format that is accessible via electronic means for project stakeholders, cooperating agencies, and the public.

(2) REPORTS.—Not less frequently than once each year, the lead agency shall submit a progress report regarding a qualifying project to project stakeholders, cooperating agencies, the Committee on Environment and Public Works of the Senate, and the Committee on Natural Resources of the House of Representatives.

(h) Participation by Non-Federal Project Sponsors.—

(1) APPLICATION TO SERVE AS COOPERATING AGENCY.—A non-Federal sponsor of a qualifying project may submit to the lead Secretary an application to serve as a cooperating agency of the qualifying project for purposes of preparing any necessary documents relating to the qualifying project, including an environmental review, if—

(A) the non-Federal sponsor is a public agency as defined under the laws of the state in which the agency is located;

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(B) the non-Federal sponsor agrees to adhere to—

(i) all required Federal laws (including regulations) in carrying out the qualifying project; and

(ii) all decisions regarding the qualifying project that have been agreed on by other stakeholders of the qualifying project; and

(C) the applicable lead agency certifies that participation by the non-Federal sponsor will not inappropriately bias the qualifying project in favor of the non-Federal sponsor.

(2) FUNDS.—Any funds contributed by a non-Federal sponsor to a qualifying project—

(A) may be accepted to maintain or accelerate progress on the qualifying project, subject to the condition that the Secretary shall—

(i) review the use of the funds; and

(ii) certify in writing that the funds—

(I) are used solely to complete applicable environmental reviews; and

(II) do not unduly influence any permit or approval decision regarding the qualifying project; and

(B) shall be applied toward the non-Federal cost-share of the qualifying project.

(i) Applicability to Calfed Storage Studies.—For any feasibility study referred to in section 401(3), this section shall apply to all activities to be carried out under the study on or after the date of enactment of this Act that would lead to congressional authorization of an applicable project for construction.

SEC. 405. DAM SAFETY PROJECTS WITH INCREASED STORAGE COMPONENT.

(a) Additional Project Benefits.—The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 3 (43 U.S.C. 507), by striking “Construction” and inserting “Except as provided in section 5B, construction”; and

(2) by inserting after section 5A (43 U.S.C. 509a) the following:

“SEC. 5B. ADDITIONAL PROJECT BENEFITS.

“(a) In General.—Notwithstanding section 3, if the Secretary, in the judgment of the Secretary, makes a determination described in subsection (b), the Secretary is authorized to develop any additional project benefit—

“(1) through the construction of new or supplementary works on a project in conjunction with the activities carried out by the Secretary pursuant to section 2; and

“(2) subject to the conditions described in the feasibility study relating to the project.

“(b) Description of Determination.—A determination referred to in subsection (a) is a determination by the Secretary that—

“(1) an additional project benefit, including but not limited to additional conservation

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storage capacity, is—

“(A) necessary; and

“(B) in the interests of the United States; and

“(2) the project benefit proposed to be carried out is—

“(A) feasible; and

“(B) not inconsistent with the purposes of this Act.

“(c) Requirements.—The costs associated with developing an additional project benefit under this section shall be—

“(1) allocated to entity or entities benefitting from the additional conservation storage capacity, subject to agreement between the state and federal funding agencies on such allocations; and

“(2) repaid in accordance with all applicable provisions of Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).”.

(b) San Luis Reservoir Expansion.—Section 103(f)(1)(A) of Public Law 108–361 (118 Stat. 1694) is amended—

(1) by striking “Funds” and inserting the following:

“(i) IN GENERAL.—Funds”; and

(2) by adding at the end the following:

“(ii) ENVIRONMENTAL REVIEWS AND FEASIBILITY STUDY.—The Commissioner of Reclamation shall submit to Congress—

“(I) an expansion draft environmental impact statement and feasibility study relating to the San Luis Reservoir by not later than April 1, 2016; and

“(II) a final environmental impact statement relating to the San Luis Reservoir by not later than December 31, 2016.”.

**SEC. 406. UPDATING WATER OPERATIONS MANUALS
FOR NON-FEDERAL PROJECTS.**

(a) Definitions.—In this section:

(1) NON-FEDERAL PROJECT.—

(A) IN GENERAL.—The term “non-Federal project” means a non-Federal reservoir project operated for flood control in accordance with rules prescribed by the Secretary pursuant to section 7 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 890, chapter 665).

(B) EXCLUSION.—The term “non-Federal project” does not include any dam or reservoir owned by—

(i) the Bureau of Reclamation; or

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(ii) the Corps of Engineers.

(2) OWNER.—The term “owner” with respect to a non-Federal project, does not include—

(A) the Secretary;

(B) the Secretary of the Interior; or

(C) the head of any other Federal department or agency, notwithstanding any Federal monetary contribution made toward the construction cost of the relevant non-Federal project, if the contribution is predicated on flood control or other specific benefit.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Army.

(b) Review by Secretary.—

(1) IN GENERAL.—Not later than 1 year after the date of receipt of a request from the owner of a non-Federal project, the Secretary, in consultation with the owner, shall review the water control manual and flood control rule curves and any operational or structural modifications proposed by the owner, including the use of improved weather forecasting and run-off forecasting methods, to enhance the existing purposes of the non-Federal project.

(2) REPORT.—Not later than 90 days after the date of completion of a review under paragraph (1), the Secretary shall submit to the owner of the applicable non-Federal project a report describing the results of the review.

(3) PRIORITY.—In carrying out of this subsection, the Secretary shall give priority to review and revision of water control manuals and flood control rule curves for any non-Federal project—

(A) that is located in a State in which a drought emergency has been declared during the 1-year period ending on the date of review by the Secretary;

(B) the owner of which has submitted to the Secretary a formal request to review or revise the operations manual or rule curves to accommodate new watershed data or proposed project modifications or operational changes;

(C) the water control manual and hydrometeorological information establishing the flood control rule curves of which have not been revised during the 20-year period ending on the date of review by the Secretary;

(D) with respect to which a completed probable maximum flood analysis or other data indicates that revisions of the project control manual or rule curves are likely to enhance water supply benefits and flood control operations; and

(E) modifications or operational changes proposed by the owner of which are likely to enhance water supply benefits and flood control operations.

(4) NON-FEDERAL CONTRIBUTIONS.—The Secretary may accept non-Federal funds for all or a portion of the cost of carrying out a review or revision of water control manuals and rule curves for non-Federal projects under this subsection.

SEC. 407. CENTRAL VALLEY PROJECT.

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(a) Cooperative Agreements.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, to determine the feasibility of an agreement for long-term use of an existing or expanded non-Federal storage or conveyance facility to augment Federal water supply, ecosystem, and operational flexibility benefits, the Secretary shall offer to enter into cooperative agreements with non-Federal entities to provide replacement water supplies for drought relief for—

(A) contractors of the Central Valley Project (as defined in section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706));

(B) units of the National Wildlife Refuge System;

(C) State wildlife areas; and

(D) private wetland areas.

(2) REQUIREMENTS.—A cooperative agreement under this subsection shall—

(A) include the purchase of storage capacity in non-Federal facilities from willing sellers; and

(B) provide reimbursement for the temporary use of available capacity in existing above-ground, off-stream storage and associated conveyance facilities owned by local water agencies.

(b) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Chief of the National Wildlife Refuge System and contractors of the Central Valley Project a report describing the feasibility of the agreement for long-term use described in subsection (a)(1).

TITLE V—WATER RIGHTS PROTECTIONS

SEC. 501. PROTECTIONS FOR STATE WATER PROJECT CONTRACTORS.

If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(a) revokes the consistency determination pursuant to California Fish and Game Code section 2080.1;

(b) amends or issues a new consistency determination pursuant to California Fish and Game Code section 2080.1 in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the ~~S~~s ~~m~~melt ~~B~~biological ~~O~~opinion and the ~~S~~s ~~a~~almonid ~~B~~biological ~~O~~opinion; or

(c) requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the ~~S~~s ~~m~~melt ~~B~~biological ~~O~~opinion and the ~~S~~s ~~a~~almonid ~~B~~biological ~~O~~opinion,

then, the water supply benefits of such action by the California Department of Fish and

Commented [A6]: The agencies have not had a chance to fully analyze this Title. We expect the House to provide further suggestions, and we will seek the agencies' technical feedback on the entire title with the House's suggestions included.

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Wildlife accruing to the Central Valley Project, if any, shall be shared equally with the State Water Project.

SEC. 502. AREA OF ORIGIN PROTECTIONS.

(a) The Secretary of the Interior (Secretary) is directed in the operation of the Central Valley Project (CVP) to adhere to California's water rights laws governing water rights priorities by honoring water rights senior to those held by the United States for operation of the CVP, regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2. Article 1.7 (commencing with section 1215 of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462 and 11463, and Sections 12200 to 12220, inclusive).

(b) Any action that requires that diversions be bypassed or that involves the release of water from any CVP water storage facility taken by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.) shall be applied in a manner that is consistent with water rights priorities established by California law.

SEC. 503. NO REDIRECTED ADVERSE IMPACTS.

The Secretary shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this Act, including, but not limited to, such actions under the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) and other federal laws, shall not cause redirected adverse water supply or fiscal impacts to those within the Sacramento River Watershed or the State Water Project.

SEC. 504. EFFECT ON STATE LAWS.

Nothing in this Act preempts any State law in effect on the date of enactment of this Act, including area of origin and other water rights protections.

TITLE VI—MISCELLANEOUS

SEC. 601. AUTHORIZED SERVICE AREA.

(a) In General.—The authorized service area of the Central Valley Project authorized under the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) shall include the area within the boundaries of the Kettleman City Community Services District, California, as in existence on the date of enactment of this Act.

(b) Long-term Contract.—

(1) IN GENERAL.—Notwithstanding the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) and subject to paragraph (2), the Secretary of the Interior, in accordance with the reclamation laws, shall enter into a long-term contract with the Kettleman City Community Services District, California, under terms and conditions

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mutually agreeable to the parties, for the delivery of up to 900 acre-feet of Central Valley Project water for municipal and industrial use.

(2) LIMITATION.—Central Valley Project water deliveries authorized under the contract entered into under paragraph (1) shall be limited to the minimal quantity necessary to meet the immediate needs of the Kettleman City Community Services District, California, in the event that local supplies or State Water Project allocations are insufficient to meet those needs.

(c) Permit.—The Secretary shall apply for a permit with the State for a joint place of use for water deliveries authorized under the contract entered into under subsection (b) with respect to the expanded service area under subsection (a), consistent with State law.

(d) Additional Costs.—If any additional infrastructure, water treatment, or related costs are needed to implement this section, those costs shall be the responsibility of the non-Federal entity.

SEC. 602. RESCHEDULED WATER.

(a) In General.—In connection with operations of the Central Valley Project, California, if the San Luis Reservoir does not fill by the last day of February of any year, the Secretary of the Interior shall permit any entity with an agricultural water service or repayment contract for the delivery of water from the Delta Division or the San Luis Unit to reschedule into the immediately following contract year (March 1 through the last day of February) any unused Central Valley Project water previously allocated for irrigation purposes.

(b) Apportionment.—If Project water remaining in Federal storage in San Luis Reservoir on the last day of February of any year is insufficient to meet the aggregate of all requests to rescheduling water requests under subsection (a), the Secretary of the Interior shall, based on contract quantity, apportion among all contractors that request to reschedule water all Project water remaining in San Luis Reservoir on the last day of February of the applicable year.

(c) Availability of Additional Water.—If water remaining in San Luis Reservoir on the last day of February is apportioned pursuant to paragraph (b), the Secretary shall make all reasonable efforts to make available additional water up to the aggregate of rescheduling requests; provided that such efforts shall not interfere with Central Valley Project operations or the Secretary's ability to meet the United States' obligations to San Joaquin River Exchange Contractors or other settlement contractors in the contract year for which Central Valley Project water has been rescheduled.

SEC. 603. FISHERIES DISASTER DECLARATION.

[TO BE SUPPLIED.]

SEC. 604. OVERSIGHT BOARD FOR RESTORATION FUND.

(a) Report; Advisory Board.—Section 3407 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4726) is amended by adding at the end the following:

“(g) Report on Expenditure of Funds.—

“(1) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the Advisory

Commented [A7]: The agencies are still reviewing the contents of this section. We anticipate the House will provide further suggestions, and we intend to seek the agencies' technical feedback on this language as modified by the House's suggestions.

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Board, shall submit to Congress a plan for the expenditure of all of the funds deposited into the Restoration Fund during the preceding fiscal year.

“(2) CONTENTS.—The plan shall include an analysis of the cost-effectiveness of each expenditure.

“(h) Advisory Board.—

“(1) ESTABLISHMENT.—There is established the Restoration Fund Advisory Board (referred to in this section as the ‘Advisory Board’), which shall be composed of 14 members appointed by the Secretary.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The Secretary shall appoint members to the Advisory Board that represent the various Central Valley Project stakeholders, of whom—

“(i) 3 members shall be agricultural users of the Central Valley Project;

“(ii) 2 members shall be municipal and industrial users of the Central Valley Project;

“(iii) 3 members shall be power contractors of the Central Valley Project;

“(iv) 1 member shall be a representative of a federal wildlife refuge that contracts for Central Valley Project water supplies with the Bureau of Reclamation;

“(v) 1 member shall represent nongovernmental organizations involved in the protection and restoration of California fisheries;

“(vi) 1 member shall represent the commercial fishing industry;

“(vii) 1 member shall represent the recreational fishing industry; and

“(viii) 2 members shall be appointed at the discretion of the Secretary.

“(B) OBSERVER.—The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

“(C) CHAIRMAN.—The Secretary shall appoint 1 of the members described in subparagraph (A) to serve as Chairman of the Advisory Board.

“(3) TERMS.—The term of each member of the Advisory Board shall be 4 years.

“(4) DATE OF APPOINTMENTS.—The appointment of a member of the Panel shall be made not later than—

(A) the date that is 120 days after the date of enactment of this Act; or

(B) in the case of a vacancy on the Panel described in subsection (c)(2), the date that is 120 days after the date on which the vacancy occurs.

“(5) Vacancies.—

(A) IN GENERAL.—A vacancy on the Panel shall be filled in the manner in which the original appointment was made and shall be subject to any conditions that applied with respect to the original appointment.

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(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(C) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the successor of the member takes office.

“(6) Removal —A Member of the Panel may be removed from office by the Secretary of the Interior.

“(7) Federal Advisory Committee Act. —The Panel shall not be subject to the requirements of the Federal Advisory Committee Act.

“(8) DUTIES.—The duties of the Advisory Board are—

“(A) to meet not less frequently than semiannually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out under this title;

“(B) to ensure that any advice given or recommendation made by the Advisory Board reflects the independent judgment of the Advisory Board;

“(C) not later than December 31, 2015, and annually thereafter, to submit to the Secretary and Congress the recommendations under subparagraph (A); and

“(D) not later than December 31, 2015, and biennially thereafter, to submit to Congress a report that details the progress made in achieving the actions required under section 3406.

“(9) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.”

“(10) Cooperation and Assistance.—

(A) Upon request of the Panel Chairperson for information or assistance to facilitate the carrying out of this section, the Secretary of the Interior shall promptly provide such information, unless otherwise prohibited by law.

(B) Space and Assistance.—The Secretary of the Interior shall provide the Panel with appropriate and adequate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Panel, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

SEC. 605. WATER OPERATIONS REVIEW PANEL.

(a) Establishment.—There is established a panel to be known as the “Water Operations Review Panel”.

(b) Membership.—

(1) COMPOSITION.—The Panel shall be composed of 5 members appointed by the Secretary of the Interior, in consultation with the Secretary of Commerce, of whom—

(A) 1 member shall be a person who possesses expert knowledge of methods generally accepted by the scientific community, former State elected official, who shall be the Chairperson of the Panel;

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(B) 2 members shall be fisheries biologists, of whom—

(i) 1 member shall have expertise in Delta smelt; and

(ii) 1 member shall have expertise in salmonids; and

(C) 2 members shall be engineers with substantial expertise in water operations.

~~(2) RECOMMENDATIONS.—The Secretary of the Interior shall consider the recommendations~~

~~(43)~~ (4) DATE OF APPOINTMENTS.—The appointment of a member of the Panel shall be made not later than—

(A) the date that is 120 days after the date of enactment of this Act; or

(B) in the case of a vacancy on the Panel described in subsection (c)(2), the date that is 120 days after the date on which the vacancy occurs.

(c) Term; Vacancies.—

(1) TERMS.—A member of the Panel shall be appointed for a term of 3 years, except that, with respect to the members first appointed under this section—

(A) the Chairperson shall be appointed for a term of 3 years;

(B) of the members appointed under subsection (b)(1)(B)—

(i) 1 member shall be appointed for a term of 1 year; and

(iii) 1 member shall be appointed for a term of 2 years;

(C) of the members appointed under subsection (b)(1)(C)—

(i) 1 member shall be appointed for a term of 1 year; and

(ii) 1 member shall be appointed for a term of 2 years.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Panel shall be filled in the manner in which the original appointment was made and shall be subject to any conditions that applied with respect to the original appointment.

(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

~~(3) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the successor of the member takes office.~~

(d) Removal. —A Member of the Panel may be removed from office by the Secretary of the Interior.

(e) Federal Advisory Committee Act. —The Panel shall not be subject to the requirements of the Federal Advisory Committee Act.

(f) Duties.

(1) Annual Assessment and Report on Agencies' Operational Decisions under this Act.—

(A) IN GENERAL.—No later than November 30, 2015, and annually no later than

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November 30 thereafter, the Panel shall report an assessment of the agencies' operational decisions under this Act and recommendations for the prospective implementation of this Act to the following Congressional committees:

- (i) Senate Committee on Environment and Public Works;
- (ii) Senate Appropriations Subcommittee on Energy and Water Development;
- (iii) House Natural Resources Committee; and
- (iv) House Appropriations Subcommittee on Energy and Water Development.

(B) RETROSPECTIVE ASSESSMENT.—In making the retrospective assessment under paragraph (1), the Panel shall review and evaluate restrictions imposed under the smelt biological opinion and the salmonid biological opinion, and successor opinions, on operations of the Central Valley Project and State Water Project ~~the Director of the Fish and Wildlife Service, Administrator of NOAA Fisheries, and Commissioner of Reclamation's~~—

(i) to determine the efficacy of those restrictions for the purpose of protecting listed species; and decisions in implementing this Act and other Federal laws applicable to the operations of the Central Valley Project and the State Water Project;

(iii) efforts to minimize water supply reductions for the Central Valley Project and State Water Project resulting from implementation of the smelt biological opinion and the salmonid biological opinion, and successor opinions ~~disruptions while complying with the Endangered Species Act and this Act.~~

(C) PROSPECTIVE RECOMMENDATIONS.—The Panel shall make recommendations for prospective actions and potential actions warranting further study to better achieve the purposes of this Act and the Endangered Species Act as applied to the operations of the Central Valley Project and the State Water Project, including proposals—

(i) that in combination, both increase the survival of listed species and increase water supplies for the Central Valley Project and the State Water Project;

(ii) ~~to increase the survival of listed fish species with little to no adverse effects on water supplies for the Central Valley Project and the State Water Project that would result from taking the specific proposed action recommended;~~

(iii) that respond to the annual Delta Science Program Independent Review Panel reports on the Long-term Operations Opinions.

~~(2) Five Year Assessment on Effectiveness of Provisions of Act and Recommended Legislative Changes.~~

(1) Upon request of the Panel Chairperson for information or assistance to facilitate the carrying out of this section, the Secretary of Commerce and the Secretary of the Interior shall promptly provide such information, unless otherwise prohibited by law.

(2) Space and Assistance.—The Secretary of the Interior shall provide the Panel with appropriate and adequate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Panel, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

1
2 **SEC. 606. CONTINGENCY IN EVENT OF CONTINUING**
3 **RESOLUTION FOR FISCAL YEAR 2015.**

4 The deadlines that apply to each respective Secretary, or agency, contained in sections 103(b),
5 103(d), 202, 204, and 205 shall be extended by the number of days that any resolution providing
6 continuing appropriations for the Fish and Wildlife Service or NOAA Fisheries for fiscal year
7 2015 is in effect after January 1, 2015 if:

8 (1) such a resolution providing continuing appropriations for these agencies is enacted;

9 (2) the continuing resolution does not include funding for the agency actions prescribed
10 in the sections of this Act specified above; and

11 (3) a funding shortfall remains for such agency actions after the Secretaries have
12 consulted with the California Department of Water Resources, Central Valley Project and
13 State Water Project contractors, and the Interagency Ecological Program.
14

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1 Water service and repayment contractors that receive water from the Delta Division or the San
2 Luis Unit of the Central Valley Project shall be assessed, in addition to all other payments
3 collected pursuant to section 3407 of the Central Valley Project Improvement Act (Public Law
4 102-575; 106 Stat. 4), a per acre-foot surcharge, equal to 50% of the annual Restoration fund
5 payments, for all Project water delivered during any year in which the allocation to such
6 contractors is 50% to 74% and a per acre-foot surcharge, equal to 100% of the annual
7 Restoration fund payments, delivered during any year in which the allocation to such contractors
8 is 75% or greater, to be covered into the Restoration Fund.

From: Karen Clark
Sent: Monday, October 13, 2014 11:01 AM
To: Joe Findaro; David L. Bernhardt; Dennis Cardoza
Subject: Conference Call on Wednesday, October 15

All,

I have scheduled a conference call with Tom on October 15 at 11:30 a.m. PST/2:30 p.m. EDT.

Call-in information is as follows:

800-████-████ pass code █████

Tom will be the call-leader.

If you have any questions, don't hesitate to contact me.

Sincerely,

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) █████

(f) 559.241.6277

Email: kclark@westlandswater.org

From: DCardoza@foley.com
Sent: Monday, October 13, 2014 12:59 PM
To: 'Karen Clark'
Subject: RE: Conference Call on Wednesday, October 15

Great thanks

Congressman Dennis A. Cardoza

Foley & Lardner LLP
Suite 600
3000 K Street, NW
Washington, DC 20007-5109
Phone: 202.295-4015
Cell: [REDACTED]
Fax: 202.672.5399
Email: dcardoza@foley.com

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From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: Monday, October 13, 2014 2:01 PM
To: Joe Findaro; David L. Bernhardt; Cardoza, Dennis A.
Subject: Conference Call on Wednesday, October 15

All,

I have scheduled a conference call with Tom on October 15 at 11:30 a.m. PST/[2:30 p.m. EDT](#).

Call-in information is as follows:

800-[REDACTED]-[REDACTED] pass code [REDACTED]

Tom will be the call-leader.

If you have any questions, don't hesitate to contact me.

Sincerely,

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

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From: joe.findaro@akerman.com
Sent: Tuesday, October 14, 2014 7:59 AM
To: kclark@westlandswater.org
Subject: RE: Conference Call on Wednesday, October 15

thx

[vCard](#) | [Bio](#)



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From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: Monday, October 13, 2014 2:01 PM
To: Findaro, Joe (OC-DC); David L. Bernhardt; Dennis Cardoza
Subject: Conference Call on Wednesday, October 15

All,

I have scheduled a conference call with Tom on October 15 at 11:30 a.m. PST/[2:30 p.m. EDT](#).

Call-in information is as follows:

800-████████ pass code ██████████

Tom will be the call-leader.

If you have any questions, don't hesitate to contact me.

Sincerely,

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) ██████████
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Tom Birmingham
Sent: Tuesday, October 14, 2014 1:32 PM
To: 'Watts, John (Feinstein)'; 'Bernhardt, David L.'
Subject: RE: I am free to talk anytime before 730 edt (430 pdt)

Let's call into (800) [REDACTED] - [REDACTED] pass code [REDACTED] at 4:45 your time.

From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]
Sent: Tuesday, October 14, 2014 12:57 PM
To: 'Tom Birmingham'; Bernhardt, David L.
Subject: I am free to talk anytime before 730 edt (430 pdt)

From: Jason Peltier

Sent: Wednesday, October 15, 2014 3:39 PM

To: Dan Keppen; Greg Addington; 'Paul Simmons'; Joe Findaro; David Bernhardt; Craig Manson; Philip Williams

Subject: FW: Ren on the hotseat -- comment troubling?

Smokin letter at link.

From: Greg Zlotnick [mailto:greg.zlotnick@sldmwa.org]

Sent: Wednesday, October 15, 2014 3:30 PM

To: Ara Azhderian; Jason Peltier; Patterson, Roger K; Steve Arakawa; Brenda Burman; Brent Walthall; Byron Buck

Subject: Ren on the hotseat -- comment troubling?

"Creating sage grouse habitat is not mitigation for loss of occupied sage grouse habitat."

So, what is? Sorta like wetlands aren't really that beneficial?

ENDANGERED SPECIES

Nev. lawmaker tongue-lashes FWS official over critique of 'Sage Hen' plan

Scott Streater, E&E reporter

Published: Tuesday, October 14, 2014

Nevada Rep. Mark Amodei (R) is vowing to haul a Fish and Wildlife Service regional director before a congressional hearing if the official does not respond to the congressman's questions and concerns over a recent critique of the state's greater sage grouse conservation plan.

The focus of Amodei's wrath is Ren Lohofener, regional director of the Fish and Wildlife Service's Pacific Southwest Region that includes Nevada and California.

Amodei, in a scathing four-page letter sent last week to Lohofener, chastises him for writing in a comment letter on the state plan that once occupied sage grouse habitat is destroyed, it cannot be mitigated by restoration or by establishing new habitat elsewhere -- a troubling assertion, he wrote, since millions of dollars has been spent in recent years attempting to restore degraded habitat across the bird's 11-state Western range.

"Ren, I had no idea, based on conversations from [FWS] Director Dan Ashe on down through Sacramento, Denver and in Nevada, that the Service had come to the conclusion that sagebrush habitat could not be 'created!'" wrote Amodei, a vocal critic of Obama administration land-use policies who refers to the sage grouse throughout his letter as the "Sage Hen."

Despite all the money and effort to restore or rebuild grouse habitat, "you indicate to Nevada that habitat creation is not looked upon favorably by the Service. Wow!" Amodei wrote.

"Please share with me your thoughts on what we have all been doing in the West for the past decade with respect to habitat loss and fragmentation if the Service's position is that habitat cannot be restored or, if restored, utilized by the Greater Sage Hen. If this is in fact the Service's position, the phrases 'self-fulfilling prophecy' and 'subterfuge to end multiple-use in the West' certainly take on a focused credibility," he wrote, referring to Fish and Wildlife's pending decision whether to propose listing the bird for federal protection.

Amodei demanded that Lohofener formally answer the questions in his letter within 30 days or, Amodei wrote, he will begin taking steps to schedule formal congressional hearings on the matter to get the answers to his questions.

"I will advise my colleagues of your desire to communicate in the formal hearing context and begin work on scheduling appropriate field and Capitol Hill hearings," he wrote.

Amodei copied his letter to Reps. Doc Hastings (R-Wash.), chairman of the House Natural Resources Committee, and Rob Bishop (R-Utah), chairman of the panel's Subcommittee on Public Lands and Environmental Regulation. He also copied the letter to Interior Secretary Sally Jewell and Nevada Gov. Brian Sandoval (R).

A spokesman for Amodei's office did not respond to a request to comment on this story in time for publication.

But Paul McKim, a spokesman for the Fish and Wildlife Service's Pacific Southwest Region in Sacramento, Calif., said the branch has received Amodei's letter and takes the concerns expressed in it seriously.

"We take the sage grouse issue very seriously," McKim said. "We did receive the congressman's letter, and it appears that we have some misunderstandings and we will be working with the congressman and the state of Nevada to resolve any differences."

Amodei's fiery letter was written in response to an Oct. 1 comment **letter** sent by Lohofener to the head of the Nevada Sagebrush Ecosystem Council -- a panel of state policymakers that earlier this month revised the sage grouse conservation plan for the Silver State.

The revised plan is meant to preserve grouse and grouse habitat on state and private lands, with the goal of avoiding the need for the Fish and Wildlife Service to designate the bird as a federally protected threatened or endangered species (**Greenwire**, Oct. 2).

Fish and Wildlife is under a court-mandated deadline to decide whether to propose listing the bird under ESA by September 2015.

The Bureau of Land Management and Forest Service are working to complete dozens of resource management plans and land-use plan amendments covering millions of acres in the West to incorporate grouse protection measures. And states like Nevada, as well as Wyoming, Montana and Utah, have devised corresponding plans to protect the bird on state and private lands.

A determination by FWS that federal and state plans are sufficient to reduce threats to the bird would help avoid an ESA listing.

But Lohofener's letter highlights a number of problems with Nevada's greater sage grouse plan.

Reviewing an August draft of the plan, he wrote that it's missing a number of important items, such as a "habitat model and map, which is essential to the conservation strategy," as well as a Strategic Action Plan that outlines how the plan will be implemented.

"Without the above components, we lack sufficient information to evaluate what benefits may be derived from the plan," Lohofener wrote.

He also asked that the state "provide a timeframe for completion and implementation of the plan." And, in the section of his letter that appeared to anger Amodei, he asked the state to provide information on how it would "propose mitigation for lost occupied habitat."

"Given the uncertainty of being able to create sagebrush habitat and, if habitat can be created, the added uncertainty of use by sage grouse, the loss of good occupied sagebrush habitat has to be considered a serious consequence with low likelihood of mitigation success," Lohofener wrote. "Creating sage grouse habitat is not mitigation for loss of occupied sage grouse habitat."

In a press release issued by Amodei's office, he said Lohofener's letter contained factual errors and conclusions that the congressman said are "unbelievable, incredible and without anything resembling documentary or scientific support."

Ongoing criticism

Amodei's apparent frustration with Fish and Wildlife adds to the growing chorus of criticism from state officials over the way federal regulators are handling the grouse issue. Western leaders desperately want to avoid a federal listing for the grouse, fearing it could cripple important aspects of the region's economy.

Just days before the Nevada panel of stakeholders approved the revised state grouse plan, the Western Governors' Association sent a **letter** to two top BLM and Forest Service officials expressing concern that the agencies are not seeking their input or working closely with states on effective strategies to protect the greater sage grouse and its dwindling habitat (**Greenwire**, Sept. 30).

"As Governors, we feel that federal coordination with the states in this planning process is being ineffectually approached and treated more as an afterthought by BLM and [the Forest Service] at the D.C. level," reads the WGA letter signed by Colorado Gov. John Hickenlooper (D) and Wyoming Gov. Matt Mead (R), whose state is home to nearly half the remaining grouse population.

Nevada Gov. Sandoval is chairman of the WGA.

BLM, Forest Service and FWS officials met with state fish and game officials and other state regulators last week in Denver to discuss state grouse plans and what needs to be included in them to protect the bird.

The meetings appeared to alleviate some of the states' concerns with federal cooperation on the grouse issue, said John Swartout, a senior adviser to Hickenlooper whom the governor appointed last year to lead the state's efforts to protect the grouse (**Greenwire**, Oct. 9).

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GREG ZLOTNICK

DELTA INITIATIVES AND SPECIAL PROJECTS
SAN LUIS & DELTA-MENDOTA WATER AUTHORITY



400 CAPITOL MALL, 27TH FLOOR
SACRAMENTO, CA 95814
(OFFICE) 916.321.4526
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greg.zlotnick@sldmwa.org

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From: Jason Peltier

Sent: Thursday, October 16, 2014 9:35 AM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'T Birmingham' (tbirmingham@westlandswater.org); 'Dennis Cardoza'; 'James Watson'

Subject: FW: [env-trinity] Media Release: Obama Selling Out California to Westlands Water District- Secret Deal Forgives Government Debt

Just came in...

From: env-trinity [mailto:env-trinity-bounces@velocipede.dcn.davis.ca.us] **On Behalf Of** Tom Stokely

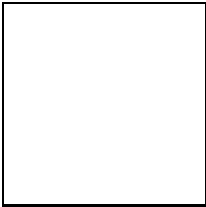
Sent: Thursday, October 16, 2014 9:25 AM

To: env-trinity@velocipede.dcn.davis.ca.us

Subject: [env-trinity] Media Release: Obama Selling Out California to Westlands Water District- Secret Deal Forgives Government Debt

<https://www.c-win.org/content/media-release-obama-selling-out-california-westlands-water-district-secret-deal-forgives-gov>

Media Release: Obama Selling Out California to Westlands Water District- Secret Deal Forgives Government Debt



October 16, 2014

For Immediate Release

Obama Selling Out California to Westlands Water District

Secret Deal Forgives Government Debt, Allows Continued Pollution, and Locks in Subsidized Water Deliveries to Corporate Farms

Obama administration officials have reached a settlement with the largest irrigation district in the United States that forgives nearly \$400 million in debt, provides massive quantities of subsidized water to corporate agriculture without acreage limitations, and allows continued pollution of state waterways. The agreement is still subject to approval by Congress, but it appears that California Senator Dianne Feinstein will shepherd the legislation through Congress.

The deal is the result of the settlement of a lawsuit filed by Westlands Water District against the federal government for failing to provide agricultural drainage service. For decades, the district – which consists of fewer than 600 corporate farms but uses more water than the city of Los Angeles– has irrigated its holdings with taxpayer-subsidized water delivered by the federal Central Valley Project.

The district's croplands contain large amounts of selenium – a toxic element that leaches from the soil when farmers flush their lands with CVP water to remove excess salt. The district then discharges this tainted runoff to Central Valley waterways. When the federal government prepared an Environmental Impact Statement in 2007 to stop this pollution,

environmentalists and fisheries advocates were heartened by the prospect of permanent land retirement. Of the several alternatives presented, federal officials seemed to favor those that would retire significant portions of seleniferous lands. The U.S. Fish and Wildlife Service supported an alternative that would have retired 379,000 acres of poisoned land. The settlement's draft Environmental Impact Statement identified an option that would retire 306,000 acres as the environmentally preferred alternative, although the final number was reduced to 194,000 acres.

Unfortunately, the land retirement program folded after about 115,000 acres were retired. Continued litigation by Westlands and some of its landowners resulted in the federal courts' acknowledgement that the federal government has a duty to provide drainage service. As a consequence, the deal reached behind closed doors looks nothing like that promoted by the draft EIS; indeed, it is worse for taxpayers, fisheries and the environment than proposals offered by the George W. Bush administration, which was hardly an advocate for equitable water distribution and environmental protection.

The high (or rather, low) points of the agreement include:

- Forgiveness of nearly \$400 million owed by Westlands to the federal government for capital repayment of Central Valley Project debt.
- Minimal land retirement consisting of 100,000 acres; the amount of land Westlands claims it has already retired (115,000 acres) will be credited to this final figure. Worse, the Obama administration has stated it will be satisfied with 100,000 acres of "permanent" land retirement.
- A permanent CVP contract for 890,000 acre-feet of water a year exempt from acreage limitations.
- The public has no input over the settlement other than influencing Congress to change it. Water policy reform advocates have condemned this secret agreement, which was reached without their participation.

"This 'settlement' is essentially a wish list by Westlands," said Tom Stokely, spokesman for the California Water Impact Network. "It's as though Westlands general manager Tom Birmingham dictated his terms to the federal government. It locks in the destructive practices of the district, it continues to subsidize Big Agriculture with taxpayer money, and it poses a long-term threat to both California's environment and the state's water supply. It is crony capitalism at its worse, and it demonstrates once again the corrosive power of money and corporate influence in Washington."

Bill Jennings, the chairman and executive director of the California Sportfishing Protection Alliance, observed the deal is bad for many water contractors, not just fisheries and the environment.

"It would give Westlands a permanent water contract before all Endangered Species Act litigation is completed," said Jennings. "In effect, this gives Westlands a leg up over other south-of-Delta contractors."

Summing up the case against the pact, AquAlliance executive director Barbara Vlamis said congressional approval of the deal "will create a permanent demand for northern California water that will be used to create devastating pollution from land that never should have been irrigated in the first place. It assures continuation of a policy that is destructive, beneficial only to the few and powerful, and ultimately unsustainable."

Contacts:

Tom Stokely, California Water Impact Network 530-926-9727 cell 524-0315; www.c-win.org

Bill Jennings, California Sportfishing Protection Alliance 209-464-5067 cell 938-9053; www.calsport.org

Barbara Vlamis, AquAlliance 530-895-9420 cell 519-7468; www.aqualliance.net

A copy of the settlement agreement can be found at http://www.c-win.org/webfm_send/453.

A backgrounder on the issue of Westlands' and San Luis Drainage issues can be found at http://www.c-win.org/webfm_send/454.

From: Tom Birmingham
Sent: Thursday, October 16, 2014 4:18 PM
To: 'Marklund, Chris'
CC: 'Nelson, Damon'; dbernhardt@bhfs.com
Subject: Edits to Water Bill
Attachments: Draft Edits for Water Bill.docx

Chris,

David Bernhardt informed me that he had spoken to you and that you requested comments on the most recent language proposed by the Senator Feinstein's office. I believe I had related to you that I had given proposed changes to Damon Nelson on a hard copy when I was in DC last week. The attached document was prepared by Damon, and it incorporates the edits I provided to him. Damon said he was comfortable with me sharing this document with you.

Please let me know if you have any questions about these proposed edits.

Tom

CONFIDENTIAL DRAFT LANGUAGE – DO NOT DISTRIBUTE

Title: To provide drought relief in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “California Drought Relief Act of 2014”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec.1.Short title; table of contents.

Sec.2.Findings.

Sec.3.Definitions.

**TITLE I—ADJUSTING DELTA SMELT MANAGEMENT
BASED ON INCREASED REAL-TIME MONITORING AND
UPDATED SCIENCE**

Sec.101.Definitions.

Sec.102.Revise incidental take level calculation to reflect new science.

Sec.103.Factoring increased real-time monitoring and updated science into ~~d~~Delta smelt management.

**TITLE II—ENSURING SALMONID MANAGEMENT IS
RESPONSIVE TO NEW SCIENCE**

Sec.201.Definitions.

Sec.202.Required scientific studies.

Sec.203.Process for ensuring salmonid management is responsive to new science.

Sec.204.Pilot program to protect native anadramous fish in the Stanislaus River.

Sec.205.CALFED invasive species pilot projects in the Sacramento-San Joaquin Bay Delta and its tributaries.

Sec.206.Mark fishery and harvest management.

Sec.207.New actions to benefit Central Valley salmonids.

**TITLE III—OPERATIONAL FLEXIBILITY AND DROUGHT
RELIEF**

Sec.301.Findings.

Sec.302.Definitions.

CONFIDENTIAL DRAFT LANGUAGE – DO NOT DISTRIBUTE

- 1 Sec.303.Operational flexibility in times of drought.
- 2 Sec.304.Operation of cross-channel gates.
- 3 Sec.305.Flexibility for export/inflow ratio.
- 4 Sec.306.Emergency environmental reviews.
- 5 Sec.307.Prioritizing State revolving funds during droughts.
- 6 Sec.308.Increased flexibility for regular project operations.
- 7 Sec.309.Temporary operational flexibility for first few storms of 2015 water year.
- 8 Sec.310.Expediting water transfers.
- 9 Sec.311.Warren Act contracts. [PLACEHOLDER]
- 10 Sec.312.Additional Warren Act contracts. [PLACEHOLDER]

11 **TITLE IV—INCREASING WATER STORAGE**

- 12 Sec.401.Findings.
- 13 Sec.402.Calfed storage feasibility studies.
- 14 Sec.403.Water storage project construction.
- 15 Sec.404.Other storage feasibility studies.
- 16 Sec.405.Dam safety projects with increased storage component.
- 17 Sec.406.Updating water operations manuals for non-Federal projects.
- 18 Sec.407.Central Valley Project.

19 **TITLE V—WATER RIGHTS PROTECTIONS**

- 20 Sec.501.Protections for State water project contractors.
- 21 Sec.502.Area of origin protections.
- 22 Sec.503.No redirected adverse impacts.
- 23 Sec.504.Effect on State laws.

24 **TITLE VI—MISCELLANEOUS**

- 25 Sec.601.Authorized service area.
- 26 Sec.602.Rescheduled water.
- 27 Sec.603.Fisheries disaster declaration. [PLACEHOLDER]
- 28 Sec.604.Oversight board for Restoration Fund.
- 29 Sec.605.Water operations review panel.
- 30 Sec.606.Contingency in event of continuing resolution for fiscal year 2015.

31

CONFIDENTIAL DRAFT LANGUAGE – DO NOT DISTRIBUTE

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) As established in the Proclamation of a State of Emergency issued by the Governor of
4 the State on January 17, 2014, the State is experiencing record dry conditions;

5 (2) Extremely dry conditions have persisted in the State since 2012, and the drought
6 conditions are likely to persist into the future;

7 (3) As of September 2014, the National Weather Service’s forecast does not show a high
8 likelihood of the State experiencing above-normal precipitation for the remainder of the
9 calendar year;

10 (4) The water supplies of the State are at record-low levels, as indicated by the fact that
11 all major Central Valley Project reservoir levels were at 20-35 percent of capacity as of
12 September 25, 2014;

13 (5) The lack of precipitation has been a significant contributing factor to the 6,091 fires
14 experienced in the State as of September 15, 2014, and which covered nearly 400,000 acres;

15 (6) According to a study released by the University of California, Davis in July 2014, the
16 drought has led to the fallowing of 428,000 acres of farmland, loss of \$810 million in crop
17 revenue, loss of \$203 million in dairy and other livestock value, and increased groundwater
18 pumping costs by \$454 million. The statewide economic costs are estimated to be \$2.2
19 billion, with over 17,000 seasonal and part-time agricultural jobs lost;

20 (7) CVPIA Level II water deliveries to refuges have also been reduced by 25% in the
21 north of Delta region, and by 35% in the south of Delta region;

22 (8) Only one-sixth of the usual acres of rice fields are being flooded this fall, which leads
23 to a significant decline in habitat for migratory birds and an increased risk of disease at the
24 remaining wetlands due to overcrowding of such birds;

25 (9) The drought of 2013 through 2014 constitutes a serious emergency that poses
26 immediate and severe risks to human life and safety and to the environment throughout the
27 State;

28 (10) The serious emergency described in paragraph (4) requires—

29 (A) immediate and credible action that respects the complexity of the water system
30 of the State and the importance of the water system to the entire State; and

31 (B) policies that do not pit stakeholders against one another, which history shows
32 only leads to costly litigation that benefits no one and prevents any real solutions;

33 (11) Federal law (including regulations) directly authorizes expedited decisionmaking
34 procedures and environmental and public review procedures to enable timely and
35 appropriate implementation of actions to respond to the type and severity of the serious
36 emergency described in paragraph (4); and

37 (12) The serious emergency described in paragraph (4) fully satisfies the conditions
38 necessary for the exercise of emergency decisionmaking, analytical, and public review
39 requirements under—

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(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(C) water control management procedures of the Corps of Engineers described in section 222.5 of title 33, Code of Federal Regulations (including successor regulations); and

(D) the Reclamation States Emergency Drought Relief Act of 1991 (Public Law 102–250; 106 Stat. 53).

(13) The ~~2008~~ smelt biological opinion and ~~2009~~ salmonid biological opinion contain reasonable and prudent alternatives to protect listed fish species from being jeopardized by operation of the Central Valley Project and State Water Project and to prevent adverse modification of designated critical habitat;

(14) The effect of those reasonable and prudent alternatives in the biological opinions may restrict the amount of water pumping that can occur to deliver water for agricultural, municipal, industrial, groundwater, and refuge uses in California;

(15) Data on the difference between water demand and reliable water supplies for various regions south of the ~~Δ~~Delta, including the San Joaquin Valley, indicate there is a significant annual gap between reliable water supplies to meet agricultural, municipal and industrial, groundwater, and refuges water needs within the South of Delta and Friant Division of the Central Valley Project and the State Water Project south of the Sacramento-San Joaquin River Delta and north of the Tehachapi mountain range and the demands of those areas. This gap varies depending on the methodology of the analysis performed, but can be represented in the following ways:

Commented [A1]: Agencies are verifying the accuracy of the facts within this finding.

(A) For Central Valley Project South-of-Delta water service contractors, if it is assumed that a water supply deficit is the difference in the amount of water available for allocation versus the maximum contract quantity, particularly in more recent years, then the water supply deficits that have developed from 1992 to 2014 as a result of changes besides natural variations in hydrology during this timeframe range between 720,000 and 1,100,000 acre-feet.

(B) For Central Valley Project and State Water Project water service contractors south of the Delta and north of the Tehachapi mountain range, if it is assumed that a water supply deficit is the difference between reliable water supplies, including maximum water contract deliveries, safe yield of groundwater, safe yield of local and surface supplies and long-term contracted water transfers, and water demands, including water demands from agriculture, municipal and industrial and refuge contractors, then the water supply deficit ranges between approximately 2,500,000 to 2,700,000 acre-feet.

(C) The California Water Plan evaluated outcomes under current conditions under 198 combinations of climate and growth scenarios, projecting a range of urban and agricultural reliability into the future. Reliability in this instance is defined as the percentage of years in which demand is sufficiently met by supply. Reliability across a range of futures within the San Joaquin Valley can be presented as:

(i) For the San Joaquin River Hydrologic Region, as defined in the California

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Water Plan:

(I) Urban supply reliability ranges between 90 and 100 percent, with a mean reliability across futures in the high 90th percentile; and

(II) Agricultural supply reliability ranges between 70 and 100 percent, with a mean reliability across futures in the mid-90th percentile.

(ii) For the Tulare Lake Hydrologic Region, as defined in the California Water Plan:

(I) Urban supply reliability ranges between 70 and 100 percent, with a mean reliability across futures in the mid-90th percentile; and

(II) Agricultural supply reliability ranges between 20 and 100 percent, with a mean reliability across futures in the low 70th percentile.

(16) Since the issuance of the biological opinions, recent studies have raised questions about the benefits to endangered salmonid populations from water pumping restrictions, including:

Commented [A2]: Agencies are assessing this finding.

(A) Expert panel reviews have concluded that instantaneous water velocities in the tidal Delta affect juvenile salmonids, not “tidally average” flows, as previously assumed. Based on instantaneous water velocity modeling, water exports have a much smaller area of effect than was previously believed;

(B) Tagging studies conducted since 1993 (representing more than 28 million fish) demonstrate that the proportion of Sacramento Basin origin Chinook salmon entrained into the pumping facilities (including pre-screen losses) are on average less than 1/10 of 1%; and

(C) Telemetry studies of Sacramento Basin and San Joaquin Basin origin juvenile Chinook salmon have not demonstrated any significant adverse effect from water exports on fish survival.

(17) Data of pumping activities at the Central Valley Project and State Water Project delta pumps identifies that, on average from Water Year 2009 to Water Year 2014, pumping activity takes 893 ~~Δ~~Delta smelt annually with an authorized take level of 5,003 ~~Δ~~Delta smelt annually according to the biological opinion issued December 15, 2008.

(18) It is worth exploring whether there is a way to implement the biological opinions that would preserve the protections afforded listed fish and simultaneously increase water deliveries to the Central Valley Project and State Water Project without weakening environmental laws or protections.

(19) In 2014, better information exists than was known in 2008 concerning conditions and operations that may or may not lead to high salvage events that jeopardize the fish populations, and what alternative management actions can be taken to avoid jeopardy.

(20) Alternative management strategies, such as trapping and barging juvenile salmon through the Delta, removing non-native species, enhancing habitat, and monitoring fish movement and location in real-time can contribute significantly to protecting and recovering these endangered fish species, and at potentially lower costs to water supplies.

(21) Resolution of fundamental policy questions concerning the extent to which

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application of the Endangered Species Act affects the operation of the Central Valley Project and State Water Project is the responsibility of Congress.

SEC. 3. DEFINITIONS.

In this Act:

(1) DELTA.—The term “Delta” means the Sacramento-San Joaquin Delta and the Suisun Marsh, as defined in sections 12220 and 29101 of the California Public Resources Code.

(2) Export Pumping Rates.—The term “export pumping rates” means the rates of pumping at the W.C. “Bill” Jones Pumping Plant and the Harvey O. Banks Pumping Plant, in the southern Delta.

~~(3) JEOPARDY.—The term “jeopardy” means to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.~~

~~(34)~~ LISTED FISH SPECIES.—The term “listed fish species” means listed salmonid species and the Delta smelt.

~~(45)~~ LISTED SALMONID SPECIES.—The term “listed salmonid species” means natural origin steelhead, natural origin genetic spring run Chinook, and genetic winter run Chinook salmon.

~~(5) NEGATIVE IMPACT ON THE LONG-TERM SURVIVAL.—The term “negative impact on the long-term survival” means to reduce appreciably the likelihood of the survival of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.~~

(6) OMR.—The term “OMR” means the Old and Middle River in the Delta.

(7) OMR FLOW OF -5000 CFS.—The term “OMR flow of -5000 cfs” means Old and Middle River flow of negative 5,000 cubic feet per second as measured by—

(A) the smelt biological opinion; and

(B) the salmonid biological opinion.

(8) SALMONID BIOLOGICAL OPINION.—The term “salmonid biological opinion” means the biological opinion issued by the National Marine Fisheries Service on June 4, 2009.

(9) SMELT BIOLOGICAL OPINION.—The term “smelt biological opinion” means the biological opinion on the Long-Term Operational Criteria and Plan for coordination of the Central Valley Project and State Water Project issued by the United States Fish and Wildlife Service on December 15, 2008.

(10) STATE.—The term “State” means the State of California.

TITLE I—ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE

SEC. 101. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(2) DELTA SMELT.—The term “~~d~~Delta smelt” means the fish species with the scientific name *Hypomesus transpacificus*.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 102. REVISE INCIDENTAL TAKE LEVEL
CALCULATION FOR DELTA SMELT TO REFLECT NEW
SCIENCE.

No later than October 1, 2015, and at least every five years thereafter, the Director of Fish and Wildlife Service, in cooperation with other federal, state, and local agencies, shall use the best scientific and commercial data available to complete a review and, if warranted, a modification of the incidental take level in the ~~2008 delta~~ smelt biological opinion that takes into account, among other considerations,—

- (a) salvage information collected since at least 1993; available over at least 18 years;
- (b) updated or more recently developed statistical models;
- (c) updated scientific and commercial data; and
- (d) the most recent information regarding the environmental factors driving ~~d~~Delta smelt salvage.

SEC. 103. FACTORING INCREASED REAL-TIME
MONITORING AND UPDATED SCIENCE INTO DELTA
SMELT MANAGEMENT.

(a) In General.—The reasonable and prudent alternative described in the ~~2008 delta~~ smelt biological opinion, ~~as amended~~, and any successor opinions, shall be implemented consistent with current best scientific and commercial data available. ~~and implementation shall be adjusted accordingly as new scientific and commercial data are developed.~~

(b) Increased Monitoring to Inform Real-time Operations.— ~~Contingent upon funding,~~ ~~†~~The Secretary shall conduct additional surveys, on an annual basis at the appropriate time of the year based on environmental conditions, in collaboration with other ~~d~~Delta science interests.

(1) In implementing this section, after seeking public input, the Secretary shall —

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(A) use the most appropriate survey methods for the detection of ~~Δ~~Delta smelt to determine the extent that adult ~~Δ~~Delta smelt are distributed in relation to certain levels of turbidity, or other environmental factors that may influence salvage rate; and

(B) use results from appropriate survey methods for the detection of ~~Δ~~Delta smelt to determine how the Central Valley Project and State Water Project may be operated more efficiently to minimize salvage while maximizing export pumping rates of water export without causing a negative impact on the long-term survival of the Delta smelt.

(2) During the period beginning on December 1, 2014 and ending March 31, 2015, and in each successive December through March period, if suspended sediment loads enter the Delta from the Sacramento River and the suspended sediment loads appear likely to raise turbidity levels in Old River north of the export pumps from values below 12 Nephelometric Turbidity Units (NTU) to values above 12 NTU, the Secretary shall—

(A) conduct daily monitoring using appropriate survey methods at locations including, but not limited to, the vicinity of Station 902 to determine the extent that adult Delta smelt are moving with turbidity toward the export pumps; and

(B) use results from the monitoring surveys referenced in paragraph (A) at locations including, but not limited to, the vicinity of Station 902 to determine how increased trawling can inform daily real-time Central Valley Project and State Water Project operations to minimize salvage while maximizing export pumping rates of water export without causing a negative impact on the long-term survival of the Delta smelt.

(c) Periodic Review of Monitoring.—Within twelve months of the date of enactment of this title, and at least once every 5 years thereafter, or sooner if the Secretary determines it is appropriate, the Secretary shall—

(1) evaluate whether the monitoring program under subsection (b), combined with other monitoring programs for the Delta, is providing sufficient data to inform Central Valley Project and State Water Project operations to minimize salvage while maximizing export pumping rates of water export without causing a negative impact on the long-term survival of the Delta smelt; and

(2) determine whether the monitoring efforts should be changed in the short- or long-term to provide more useful data.

(d) Delta Smelt Distribution Study.—

(1) IN GENERAL.— No later than January 1, 2016, in collaboration with the California Department of Fish and Wildlife, the California Department of Water Resources, public water agencies, and other interested entities, shall implement new targeted sampling

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and monitoring specifically designed to understand ~~d~~Delta smelt abundance, distribution, and the types of habitat occupied by ~~d~~Delta smelt during all life stages.

(2) SAMPLING.—The Delta smelt distribution study shall, at a minimum—

(A) include recording water quality and tidal data;

(B) be designed to understand ~~d~~Delta smelt abundance, distribution, habitat use, and movements throughout the ~~Bay~~Delta, Suisun Marsh, and other areas occupied by the Delta smelt during all seasons;

(C) consider areas not routinely sampled by existing monitoring programs, including wetland channels, near-shore water, depths below 35 feet, and shallow-water; and

(D) use ~~the most biologically appropriate~~ survey methods, including sampling gear, best suited to collect the most accurate data for the type of sampling or monitoring.

(e) Scientifically supported implementation of Old and Middle River flow requirements.—In implementing the provisions of the smelt biological opinion, or any successor biological opinion, ~~on pertaining to management of~~ reverse flow in the Old and Middle Rivers, the Secretary shall—

(1) consider the relevant provisions of the biological opinion or any successor biological opinion;

(2) manage reverse flow in Old and Middle Rivers as prescribed by the smelt biological opinion, or any successor biological opinion, to minimize water supply reductions for the Central Valley Project and the State Water Project;

~~(3) document in writing any significant facts about real-time conditions relevant to the determinations of reverse OMR flow rates less negative than -5000 cubic feet per second, including—~~

(A) ~~the findings in paragraph (3);~~

whether continued project operations over the remainder of the water year would exceed the incidental take level;

(~~E~~B) the potential effects of entrainment on subsequent smelt abundance, including consideration of the distribution of the population throughout the Delta,

(~~D~~C) the water temperature,

(~~E~~D) other factors relevant to the determination; and

(~~F~~E) whether any alternative measures could have a lesser water supply impact.

(~~5~~4) for any subsequent biological opinion, make the showing required in

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paragraph (3) for any determination to manage OMR reverse flow at rates less negative than the upper limit in the biological opinion if the upper limit in the biological opinion is more negative than -5000 cubic feet per second.

(f) Memorandum of Understanding. No later than December 1, 2014, the Commissioner and the Director will execute a Memorandum of Understanding (MOU) to ensure that the smelt biological opinion is implemented in a manner that minimizes water supply losses while complying with applicable laws and regulations. If that MOU alters any procedures set out in the biological opinion, there will be no need to reinitiate consultation if those changes do not have an adverse effect on listed species and the implementation of the MOU would not be a major change to implementation of the biological opinion. Any change to procedures that does not create a new adverse effect to listed species will not alter application of the take exemption in the incidental take statement in the biological opinion under the Endangered Species Act, section 7(o)(2).

(g) Calculation of Reverse Flow in OMR.-Within 90 days of the enactment of this title, the Secretary is directed, in consultation with the California Department of Water Resources to revise the method used to calculate reverse flow in Old and Middle Rivers for implementation of the reasonable and prudent alternatives in the smelt biological opinion and the salmonid biological opinion, and any succeeding biological opinions, for the purpose of increasing Central Valley Project and State Water Project water supplies. The method of calculating reverse flow in Old and Middle Rivers shall be reevaluated not less than every five years thereafter to achieve maximum export pumping rates within limits established by the smelt biological opinion, the salmonid biological opinion, and any succeeding biological opinions.

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANT ADMINISTRATOR.—The term “Assistant Administrator” means the Assistant Administrator of NOAA Fisheries.

(2) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

SEC. 202. REQUIRED SCIENTIFIC STUDIES.

(a) Trap and Barge Pilot Project to Increase Survivals Through the Delta.—The Assistant Administrator and the Commissioner shall, in collaboration with the U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife and other interested parties, design, permit, implement and evaluate a pilot program to test the efficacy of an experimental trap and barge program to improve survival of juvenile salmonids emigrating from the San Joaquin watershed through the Delta, as further described below.

(1) Within 30 days of enactment, the Assistant Administrator shall convene a working group of the relevant agencies and other interested parties through which to develop and execute a plan for the design, budgeting, implementation and evaluation of such a pilot program, utilizing existing expertise on such trap and barge programs as may be available. Such plan shall detail a schedule and budget for the program, and identify the responsible

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parties for each element of the program.

(2) The Assistant Administrator shall provide an opportunity for public review and comment on the pilot program and also simultaneously seek an expeditious independent peer review of the program to improve its rigor and likelihood of success.

(3) Upon completion of (2), above, the Assistant Administrator shall complete the necessary design and evaluations of the pilot program and seek such ~~authorizations and permits or other regulatory authorizations~~ as may be required under federal law for its prompt implementation and evaluation by the Assistant Administrator, the Commissioner or such other parties as they determine most suitable.

(4) ~~Subject to the availability of funding,~~ The Assistant Administrator and the Commissioner shall seek to commence implementation of the pilot program in 2015 or as soon thereafter as is possible, and shall conduct such pilot for such period of time as needed to evaluate the efficacy of the program to improve survival~~s~~ across a range of environmental conditions.

(5) The Assistant Administrator and the Commissioner shall jointly report annually to the Senate Environment and Public Works Committee and the House Committee on Natural Resources their progress in implementing this section, estimated survival rates through the Delta for both juvenile salmonids that were barged through the Delta and those that were not barged, and if survival rates are significantly higher for barged fish as compared to other outmigrating smolts, the Assistant Administrator's and Commissioner's recommendations regarding broadening the pilot program and any relevant recommendations pursuant to section 203.

(b) Tagging studies.

(1) IN GENERAL.—The Assistant Administrator, in collaboration with other Delta science partners, shall implement tagging studies, including acoustic telemetry and PIT tagging studies as appropriate, wherein habitat, predators, flow conditions, or other factors are experimentally altered and the behavior and survival of tagged juvenile salmonids are observed. Studies may also be conducted to aid in the understanding of Chinook salmon and steelhead abundance, distribution, and survival.

(2) SAMPLING.—The sampling—

(A) shall include recording water quality and tidal data;

(B) will be designed to aid in the understanding of salmonid abundance, distribution, and movements throughout the Bay Delta, including estimates of through Delta survival from Knights Landing or from Mossdale to Chipps Island; and

(C) will supplement, not supplant, ongoing acoustic tag and coded wire survival studies in the San Joaquin and Sacramento Rivers which the Assistant Administrator determines are crucial for trend monitoring.

**SEC. 203. PROCESS FOR ENSURING SALMONID
MANAGEMENT IS RESPONSIVE TO NEW SCIENCE.**

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(a) General directive. The reasonable and prudent alternative described in the salmonid biological opinion allows for and anticipates adjustments in operating criteria to reflect the best scientific and commercial data currently available, and authorizes efforts to test and evaluate improvements in operations that will meet applicable regulatory requirements and enable improvements in water supply reliability. The Commissioner and the Assistant Administrator are hereby directed to utilize these authorities fully as described below.

(b) Annual reviews of certain operating criteria. No later than December 31, 2015, and at least annually thereafter,

(1) The Commissioner, in consultation with and with the assistance of the Assistant Administrator shall ~~commence annual efforts to~~ examine and identify adjustments to the initiation of Action IV.2.3 pertaining to negative OMR flows, subject to paragraph (5).

(2) The Commissioner, in consultation with and with the assistance of the Assistant Administrator, shall examine and identify adjustments in the timing, triggers or other operational details relating to the implementation of pumping restrictions in Action IV.2.1 pertaining to the inflow to export requirements, subject to paragraph (5).

(3) Pursuant to the consultation and assessments carried out under paragraphs (1) and (2) of this subsection, the Commissioner shall make recommendations to the Assistant Administrator on adjustments that, in the exercise of the adaptive management provisions of the salmonid biological opinion, ~~can improve water supplies will reduce water supply impacts of the salmonid biological opinion on the Central Valley Project and the California State Water Project~~ and are consistent with the requirements of applicable law and as further described in subsection (c).

(4) The Commissioner shall implement those adjustments for which the conditions under subsection (c) are met.

(5) The Assistant Administrator and the Commissioner shall review and identify adjustments to water supply restrictions in any successor biological opinion to the salmonid biological opinion, applying the provisions of this section to those water supply restrictions where there are references to Actions IV.2.1 and IV.2.3.

(c) Adjustments that shall be implemented. ~~In receiving reviewing~~ the recommendations under subsection (b), the Assistant Administrator shall evaluate the effects of the recommended adjustments on listed species and shall adjustments for which:

(1) the net effect on listed species is equivalent to those of the underlying criteria in the salmonid biological opinion, taking into account whatever actions or measures may be implemented in conjunction with the adjustments to mitigate its effects; and

(2) the effects of the adjustment fall within the incidental take authorizations.

(d) ~~Taking into account offsetting species survival benefits from other measures.~~

When examining and identifying opportunities to offset the potential adverse effect of adjustments to operating criteria, the Commissioner and the Assistant Administrator shall take into account the potential species salmonid survival improvements that are likely to result from other measures which, if implemented in conjunction with the adjustments, would offset ~~the~~ adverse effects, if any, of the adjustments. When ~~considering evaluating~~ offsetting measures, the Commissioner and the Assistant Administrator shall consider the

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type, timing and nature of the adverse effects, if any, to specific species and ensure that the measures provide equivalent overall benefits to the listed species in the aggregate, as long as the change will not cause a negative impact on the long-term survival of a listed salmonid species.

~~(1) The offsetting measures could include actions implemented with the support of a substantial contribution from water districts that would benefit from the adjustments.~~

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- (e) Framework for examining opportunities to minimize or offset the potential adverse effect of adjustments to operating criteria.—Not later than December 31, 2015, and every five years thereafter, the Assistant Administrator shall, in collaboration with the Director of the California Department of Fish and Wildlife, based on the best scientific and commercial data available and for each listed salmonid species, issue estimates of the increase in through-Delta survival the Secretary expects to be achieved—

(1) ~~through with restrictions on~~ export ~~pumping rates restrictions~~ as specified by Action IV.2.3 as compared to limiting OMR flow to a fixed rate of -5000 cubic feet per second within the time period Action IV.2.3 is applicable, based on a given rate of San Joaquin River inflow to the Delta and holding other relevant factors constant;

(2) ~~through with~~ San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1 as compared to the ~~export~~ restrictions in the April/May period imposed by the State Water Resources Control Board decision D-1641, based on a given rate of San Joaquin River inflow to the Delta and holding other relevant factors constant;

(3) through a trap and barge program based on the experience of other systems to the extent they are comparable, and the study described in section 202, as that information becomes available;

(4) through physical habitat restoration improvements;

(5) through predation control programs;

(6) through the installation of temporary barriers, the management of Cross Channel Gates operations, and other projects affecting flow in the Delta;

(7) ~~through by~~ salvaging fish that may be entrained near the entrance to Clifton Court Forebay; and

(8) ~~through by~~ any other management measures that may provide equivalent or better protections benefits for listed species ~~with improvements to water supplies while maximizing export pumping rates without causing a negative impact on the long-term survival of a listed salmonid species.~~

- (f) Survival estimates ~~to be quantitative to the maximum extent feasible.~~

(1) ~~To the maximum extent feasible, the Assistant Administrator shall make these quantitative estimates of survival, and determinations quantitatively to the maximum extent feasible,~~ such as a range of percentage increases in through-Delta survival that could result from the management measures, and if the scientific information is lacking for quantitative estimates, shall do so on qualitative terms based upon the best available science.

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(2) If the Assistant Administrator provides qualitative survival estimates for a species resulting from one or more management measures, the Secretary shall, to the maximum extent feasible, rank the management measures described in subsection (e) in terms of their most likely expected contribution to increased through-Delta survival relative to the other measures.

(3) If at the time the Assistant Administrator conducts the analysis under subsection (b), the Secretary has not issued an the estimates of increased through-Delta survival benefits from different management measures pursuant to subsection (e), the Secretary shall compare the protections benefits to the species from different management measures based on the best scientific and commercial data available at the time.

(g) Comparison of adverse consequences for alternative management measures of equal protection for a species, benefit to the salmon.

(1) For the purposes of this subsection—

(A) The alternative management measure or combination of alternative management measures identified in paragraph (2) shall be known as the “equivalent alternative measure.”

(B) The existing measure or measures identified in subparagraphs (2)(A),(B),(C), or (D) shall be known as the “equivalent existing measure.”

(C) An “equivalent increase in through-Delta survival rates for listed salmonid species” shall mean an increase in through-Delta survival rates that is equivalent when considering the change in through-Delta survival rates for the listed salmonid species in the aggregate, and not the same change for each individual species, as long as the change in survival rates will not cause a negative impact on the long-term survival of a listed salmonid species.

(2) As part of the reviews of operating criteria pursuant to subsection (b), the Assistant Administrator shall determine whether any alternative management measures or combination of alternative management measures listed in subsection (e)(3) through (8) would provide an increase in through-Delta survival rates for listed salmonid species that is equivalent to the increase in through-Delta survival rates for listed salmonid species from the following:

(A) through restrictions on export pumping rates with export restrictions as specified by Action IV.2.3, as compared to limiting OMR flow to a fixed rate of -5000 cubic feet per second within the time period Action IV.2.3 is applicable;

(B) through restrictions on export pumping rates with export restrictions as specified by Action IV.2.3, as compared to a modification of Action IV.2.3 that would provide additional water supplies, other than that described in subparagraph (A);

(C) through with San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1, as compared to the export restrictions in the April/May period imposed by the State Water Resources Control Board decision D-1641, or

(D) through with San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1, as compared to a modification of Action IV.2.1

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that would reduce water supply impacts of the salmonid biological opinion on the Central Valley Project and the California State Water Project, other than that described in subparagraph (C).

(3) If the Assistant Administrator identifies an equivalent alternative measure pursuant to paragraph (2), the Assistant Administrator shall determine whether

(A) it is technically feasible and within federal jurisdiction to implement the equivalent alternative measure, and

(B) the adverse consequences of doing so are less than the adverse consequences of the equivalent existing measure, including a concise evaluation of the adverse consequences to other affected interests.

(4) If the Assistant Administrator makes the findings in subparagraph (3)(A) and (B), the Assistant Administrator and the Commissioner shall adjust the operating criteria in the salmonid biological opinion pursuant to this subsection to implement the equivalent alternative measure in place of the equivalent existing measure in order to increase export rates of pumping-water supplies to the greatest extent possible while maintaining a net combined effect of equivalent through-Delta survival rates for the listed salmonid species.

(h) Tracking adverse effects beyond the range of effects accounted for in the salmonid biological opinion and coordinated operation with the smelt biological opinion.

(1) Among the adjustments to the operational criteria considered through the adaptive management process under this section, the Assistant Administrator and the Commissioner shall

(A) Evaluate the effects on listed salmonid species and water supply of the potential adjustment to operational criteria described in subparagraph (B); and

(B) Consider requiring that before some or all of the provisions of Actions IV.2.1. or IV.2.3 are imposed in any specific instance, the Assistant Administrator show that the implementation of these provisions in that specific instance is necessary to avoid a negative impact on the long-term survival of a listed salmonid species. ~~additional adverse effects upon listed salmonid species beyond the range of effects analyzed and accounted for in the salmonid biological opinion~~

(2) The Assistant Administrator, the Director and the Commissioner, in coordination with State officials as appropriate, shall establish operational criteria to coordinate management of OMR flows under the smelt and salmonid biological opinions, in order to take advantage of opportunities to provide additional water supplies from the coordinated implementation of the biological opinions.

(i) Real-Time Monitoring and Management. The Assistant Administrator and the Commissioner shall, through the NMFS adaptive management salmonid biological opinion provisions, analyze whether date-certain triggers that limit OMR reverse flow to -5000 cubic feet per second could be adjusted to instead use real-time migration information on salmonids. If the analysis shows that the use of real-time information to trigger OMR flow limitations would improve water supply without causing significant adverse effects to Winter-run Chinook salmon, then such real-time management triggers shall be implemented.

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**SEC. 204. PILOT PROGRAM TO PROTECT NATIVE
ANADROMOUS FISH IN THE STANISLAUS RIVER.**

(a) Establishment of Non-native Predator Fish Removal Program. The Assistant Administrator, in consultation with the United States Fish and Wildlife Service and the California Department of Fish and Wildlife, shall develop and conduct a pilot non-native predator fish removal program to remove non-native striped bass, smallmouth bass, largemouth bass, black bass, and other non-native predator fishes in and around the Bay Delta, including the Stanislaus River, contingent upon funding. The pilot program shall--

(1) be scientifically based;

(2) include methods to quantify the number and size of predator fishes removed each year, the impact of such removal on the overall abundance of predator fishes, and the impact of such removal on the populations of juvenile anadromous fish found in the Stanislaus River and elsewhere by, among other things, evaluating the number of juvenile anadromous fish that migrate past the rotary screw trap located at Caswell;

(3) among other methods, use wire fyke trapping, portable resistance board weirs, and boat electrofishing, which are among the most effective predator collection techniques that minimize effects to native anadromous fish;

(4) be developed, including the application for all necessary scientific research and species enhancement permits under section 10(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)), for the performance of the pilot program, not later than 6 months after the date of the enactment of this Act;

(5) be implemented on the first business day of the calendar year following the issuance of all necessary scientific research, species enhancement permits, and funding needed to begin the pilot program; and

(6) be implemented for a period of seven consecutive calendar years.

(b) Management. The Assistant Administrator is authorized and encouraged to enter into agreements with interested local water districts to jointly develop, implement and evaluate this pilot program. Such parties shall work collaboratively to ensure the performance of the pilot program, and shall discuss and agree upon, among other things, changes in the structure, management, personnel, techniques, strategy, data collection, reporting and conduct of the pilot program.

(c) Conduct.—

(1) IN GENERAL.—By agreement between the Assistant Administrator and the participating districts, the pilot program may be conducted by their own personnel, qualified private contractors hired by the districts, personnel of, on loan to, or otherwise assigned to NOAA Fisheries, or a combination thereof.

(2) PARTICIPATION BY NOAA FISHERIES.—In the event the districts elect to conduct the program using their own personnel or qualified private contractors hired by them, the Commissioner has the option to assign an employee of, on loan to, or otherwise assigned to NOAA Fisheries, to be present for all activities performed in the field. Such presence shall

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ensure compliance with the agreed upon elements specified in subsection (b). The districts shall pay 100 percent of the cost of such participation as specified in subsection (d).

(3) TIMING OF ELECTION.—The districts shall notify the Assistant Administrator of their election on or before October 15 of each calendar year of the pilot program, which election shall apply to the work performed in the subsequent calendar year.

(d) Funding.—

(1) ANNUAL FUNDING.—The Commissioner, the Assistant Administrator, and the participating districts shall develop a budget and funding plan for the pilot project that will allocate costs appropriately amongst the participating entities. On or before December 1 of each year of the pilot program, the Commissioner shall submit to the districts an estimate of the cost to be incurred by the Bureau of Reclamation in the following calendar year, if any, including the cost of any data collection and posting under subsection (e). If an amount equal to the estimate is not provided to the Assistant Administrator by the districts on or before December 31 of each year, (a) NOAA Fisheries shall have no obligation to conduct the pilot program activities otherwise scheduled, and (b) the districts shall be prohibited from conducting any aspect of the pilot program, until full payment is made by the districts.

(2) ACCOUNTING.—On or before September 1 of each calendar year, the Assistant Administrator shall provide an accounting of the prior calendar year's expenses to the participating entities. If the estimate paid by the districts was less than the actual costs incurred by NOAA Fisheries, the districts shall have until September 30 of that calendar year to pay the difference to the fund identified by the Assistant Administrator in subsection (d)(1), or NOAA Fisheries shall have no obligation to conduct the pilot program activities otherwise scheduled. If the estimate paid by the districts was greater than the actual costs incurred by NOAA Fisheries, then a credit shall be provided to the districts, which shall be deducted from the estimate payment the districts must make for the work performed by NOAA Fisheries, if any, in the next calendar year.

(e) Reporting and Evaluation.—

(1) IN GENERAL.—On or before the 15th day of each month, the Assistant Administrator shall post on the website of NOAA Fisheries a tabular summary of the raw data collected in the prior month.

(2) REPORT.—On or before June 30 of the calendar year following the completion of the program, the Assistant Administrator and districts shall jointly submit a report for peer review that—

(A) discusses the findings and conclusions of the pilot program;

(B) synthesizes the data collected under paragraph (1); and

(C) makes recommendations for further study and action.

(f) Permits Process.—

(1) Not later than one year after filing of an application by the Assistant Administrator and the districts, the Secretary of the Interior, the Secretary of Commerce, or both, as appropriate, shall issue all necessary scientific research and species enhancement permits

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under section 10(a)(1) of the Endangered Species Act (16 U.S.C. 153(9)(a)(1)), for the performance of the pilot program.

(2) All permits issued shall be in the name of NOAA Fisheries and the participating districts.

(3) Districts may delegate the authority to administer the permit authority to any qualified private contractor retained in accordance with subsection (c).

(g) Emergency Environmental Reviews.—To expedite this environmentally beneficial program for the conservation of threatened and endangered species, the Secretary of the Interior shall consult with the Council on Environmental Quality in accordance with Section 1506.11 of title 40, Code of Federal Regulations (including successor regulations) to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 for this section.

(h) Definitions.—For the purposes of this section:

(1) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of the Bureau of Reclamation.

(2) DISTRICTS.—The term ‘districts’ means the Oakdale Irrigation District and the South San Joaquin Irrigation District.

(3) PILOT PROGRAM.—The term ‘program’ means the pilot non-native predator removal program established under this section.

(i) Sunset.—The authorities provided under this section shall expire seven years after the implementation of the pilot program.

**SEC. 205. CALFED INVASIVE SPECIES PILOT PROJECTS
IN THE SACRAMENTO-SAN JOAQUIN BAY DELTA AND
ITS TRIBUTARIES.**

(a) FINDINGS.—Congress finds that—

(1) The Sacramento-San Joaquin Bay Delta and its Tributaries-

(A) is one of the largest and most diverse estuaries in the United States,

(B) is a natural treasure and a vital link in California’s water system, and

(C) has native biodiversity important to the ecological and economic systems of California, including water deliveries to agriculture, municipalities and to the environment and fisheries industries, and

(D) has river tributaries important for rearing of salmon and steelhead smolts which experience a high level of predation from non-native species.

(2) Past, present and future introductions of invasive species are and will be a major factor in the decline of native pelagic and anadromous endangered or threatened species in the Sacramento–San Joaquin Bay Delta and its tributaries.

(3) More than 250 nonnative aquatic and plant species have been introduced into the Delta and its tributaries; of these, at least 185 species have become established and have altered the Sacramento-San Joaquin Bay Delta watershed’s ecosystem.

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(4) The Bay Delta Conservation Plan, the Recovery Plan for the Evolutionarily Significant Units of Sacramento River Winter-run Chinook Salmon and Central Valley Spring-run Chinook Salmon and the Distinct Population Segment of the Central Valley Steelhead, the Recovery Plan for the Sacramento-San Joaquin Delta Native Fishes, and the multiple 5 year reviews of those plans all highlight that introduced nonnative invasive species are a significant factor in the decline of native fish species. These nonnative species, which include invasive aquatic vegetation, predators, and competitors, directly or indirectly cause biological stress for pelagic and anadromous endangered or threatened fish species in the Sacramento-San Joaquin Bay-Delta and its tributaries.

(5) If threats by nonnative species to native fish species are not addressed, there is a probability that native species of the Sacramento-San Joaquin Bay-Delta watershed's pelagic and anadromous community will go extinct.

(6) The CALFED legislation (Public Law 108-361) authorized a program to prevent, control, and eradicate invasive species, but it has not been implemented to date.

(7) A focused pilot program needs to be conducted within the Delta and river tributaries to reduce threats to native listed species by nonnative species. Reducing nonnative stressors on native listed species will contribute to both native listed species recovery and lowering the impact on downstream water users as those native listed species recover.

(b) PILOT PROJECTS TO IMPLEMENT CALFED INVASIVE SPECIES PROGRAM.

(1) Not later than January 1, 2016, the Secretary of the Interior, in collaboration with the Secretary of Commerce and the Director of the California Department of Fish and Wildlife, shall begin pilot projects to implement the invasive species program, including prevention, control and eradication authorized pursuant to Section 103(d)(6)(A)(iv) of Public Law 108-361. The pilot projects shall:

(A) seek to reduce invasive aquatic vegetation, predators, and other competitors which are major factors in the decline of native listed pelagic and anadromous species that occupy the Sacramento and San Joaquin Rivers and their tributaries and the Sacramento-San Joaquin Bay-Delta; and

(B) address how to remove, reduce, or control the effects of species including: Asiatic clams, silversides, gobies, Brazilian water weed, largemouth bass, smallmouth bass, striped bass, crappie, bluegill, white and channel catfish, and brown bullheads.

(2) The Secretary of the Interior's efforts shall consist of the following phases:

(A) Phase 1. The Secretary of the Interior shall convene a panel of experts, including experts recommended by the State of California, to:

- (i) Identify the non-native species having the greatest impact on the viability of native pelagic and anadromous native listed species; and
- (ii) Identify the non-native species for which actions to reduce or control the population is determined to be possible; and
- (iii) Design a study to reduce the non-native species identified in clauses (i) and (ii) and prepare a cost estimate to implement this study.

(B) Phase 2. The Secretary of the Interior shall test the general viability of nonnative reduction methods, including either direct predator removal or alteration of channel

Commented [A3]: Awaiting feedback from the agencies on whether the experts in an existing predation workshop would address the items outlined in clauses (i) through (iii) of subparagraph (A) in the proposed text.

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conditions, or some combination thereof, through pilot projects at multiple sites in addition to the projects on the Stanislaus River pursuant to Section 204, including known hotspots of predator aggregation or activity, such as:

- (i) Clifton Court Forebay,
- (ii) Central Valley Project intakes,
- (iii) Head of Old River,
- (iv) Georgiana Slough,
- (v) Old and Middle Rivers,
- (vi) Franks Tract,
- (vii) Paintersville Bridge,
- (viii) individual river tributaries important for wild populations of anadromous species listed as threatened or endangered under the Endangered Species Act of 1973,
- (ix) Human-made submerged structures, and
- (x) Salvage release sites.

(C) Phase 3. If it is feasible to do so, the Secretary of the Interior shall implement nonnative reduction methods at a larger number of sites, incorporating information learned during the first and second phase.

(3) The Secretary of the Interior shall collect data associated with the implementation of the projects above, and shall specifically collect data on the impact on

(A) pelagic and anadromous species listed as threatened or endangered under the Endangered Species Act of 1973,

(B) water quality, and

(C) water supply.

(4) After assessing the data described in subparagraph (2), the Secretary of the Interior, in collaboration with the Secretary of Commerce and the Director of the California Department of Fish and Wildlife, shall, if appropriate, annually recommend revisions to the reasonable and prudent alternatives contained in the salmonid biological opinion and the smelt biological opinion, or other administrative federal requirements governing the operation of the Central Valley Project and the State Water Project, that are likely to produce additional fishery, water quality, and water supply benefits.

(c) IMPLEMENTATION. The Secretary of the Interior shall implement the CALFED program described in subpart (b) for at least a period of seven consecutive years beginning on the date of implementation.

(d) REPORTING REQUIREMENTS. The Secretary of the Interior shall provide reports to the Senate Committee on Environment and Public Works and the House Committee on Natural Resources on the following:

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(1) No later than January 1, 2016, a description of the projects described in subpart (b), including the application for all necessary scientific research and species enhancement permits under section 10(a) (1) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)), and for the performance of the CALFED invasive species Program.

(2) Upon the completion of Phase 1 as described in subsection (b)(1)(A), a report describing its implementation and cost effectiveness.

(3) Two years after the project begins, a report describing the progress of the eradication of the nonnative species in the Sacramento-San Joaquin Bay-Delta and its tributaries and how such efforts have helped the Recovery Plans for endangered and threatened Anadromous and Pelagic Species in the Sacramento-San Joaquin Bay-Delta watershed and the associated cost effectiveness of each control measure.

(4) After the pilot projects are complete, a report describing the results of the program, including recommendations on whether the program should be continued, how the program may be taken to full scale in the most cost effective manner, and how a mitigation program for the Central Valley Project allowable under section 10(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)) could be implemented.

(e) EMERGENCY ENVIRONMENTAL REVIEWS. To expedite this environmentally beneficial program for the conservation of threatened and endangered species, the Secretary of the Interior shall consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (including successor regulations) to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 for this program.

SEC. 206. MARK FISHERY AND HARVEST MANAGEMENT.

To minimize the impact of harvest and project operations on salmonids, contribute to recovery of stocks of endangered or threatened species, improve management of fish stocks of both hatchery and natural origins, and to minimize risk of a natural origin fall Chinook listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Assistant Administrator shall

(1) in partnership with the Director of the California Department of Fish and Wildlife and persons responsible for funding Central Valley hatcheries, convene an independent science panel within 60 days of enactment of this Act to follow up on the 2012 California Hatchery Scientific Review Group's recommendations by providing an assessment of costs and benefits associated with marking, with tagging, and with a program that combines in some way marking and tagging Central Valley hatchery produced fall Chinook. The Assistant Administrator shall ensure that the independent science panel—

(A) Includes an appropriate number of scientific experts as determined and appointed by the Assistant Administrator, and an equal number of scientific experts selected by entities responsible for funding California salmon mitigation hatcheries;

(B) Considers and gives equal weight to both inland and ocean monitoring and management needs, including harvest.

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(C) Completes the review by December 31, 2015.

(2) assess and implement harvest management strategies by October 1, 2018 to provide better protection for sensitive Chinook stocks while still allowing for harvest of hatchery fall Chinook.

SEC. 207. NEW ACTIONS TO BENEFIT CENTRAL VALLEY SALMONIDS.

Not later than March 1, 2016, under similar terms and conditions as successful United States Fish and Wildlife Service programs on Clear Creek and Battle Creek, the Director, in collaboration with the Director of the California Department of Fish and Wildlife, the Commissioner of the Bureau of Reclamation, or both, shall issue necessary permits and otherwise facilitate the deployment of temporary in-river structures—

(1) to protect and grow natural origin spring Chinook populations by blocking access to hatchery origin fall Chinook; and

(2) to prevent hatchery origin Chinook salmon and steelhead from reaching spawning grounds where the species will compete for spawning with natural origin fish listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

TITLE III—OPERATIONAL FLEXIBILITY AND DROUGHT RELIEF

SEC. 301. FINDINGS.

Congress finds that—

(1) Based on the congressional findings in Sec. 2 of this Act, it is appropriate and necessary for federal agencies to exercise the maximum amount of flexibility provided to them under the applicable laws and regulations to maximize delivery of water supplies while providing the same or better levels of protection for species.

SEC. 302. DEFINITIONS.

In this title:

(1) **CENTRAL VALLEY PROJECT.**—The term “Central Valley Project” has the meaning given the term in section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4707).

(2) **KLAMATH PROJECT.**—The term “Klamath Project” means the Bureau of Reclamation project in the States of California and Oregon, as authorized under the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

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(3) RECLAMATION PROJECT.—The term “Reclamation Project” means a project constructed pursuant to the authorities of the reclamation laws and whose facilities are wholly or partially located in the State.

(4) SECRETARIES.—The term “Secretaries” means—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Agriculture;

(C) the Secretary of Commerce; and

(D) the Secretary of the Interior.

(5) STATE WATER PROJECT.—The term “State Water Project” means the water project described by California Water Code section 11550 et seq., and operated by the California Department of Water Resources.

SEC. 303. OPERATIONAL FLEXIBILITY IN TIMES OF DROUGHT.

(a) Water Supplies.—

(1) IN GENERAL.—In response to a declaration of a state of drought emergency by the Governor of California and for the period of time such a drought declaration remains in effect, the Secretaries shall provide the maximum quantity of water supplies practicable to Central Valley Project agricultural, municipal and industrial, and refuge service and repayment contractors, State Water Project contractors, and any other tribe, locality or municipality in the State, by approving, consistent with applicable laws (including regulations), projects and operations to provide additional water supplies as quickly as practicable based on available information to address the emergency conditions.

(2) APPLICATION.—Paragraph (1) applies to projects or operations involving the Klamath Project if the projects or operations would benefit Federal water contractors in the State.

(b) Administration.—In carrying out subsection (a), the Secretaries shall, consistent with applicable laws (including regulations)—

(1) issue all necessary permit decisions under the authority of the Secretaries not later than 30 days after the date on which the Secretaries receive a completed application from the State to place and use temporary barriers or operable gates in Delta channels to improve water quantity and quality for the State Water Project and the Central Valley Project south of Delta water contractors and other water users, on the condition that the barriers or operable gates—

(A) provide benefits for species protection and in-Delta water user water quality; and

(B) are designed so that formal consultations under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) are not necessary;

(2) require the Director of the United States Fish and Wildlife Service and the Commissioner of Reclamation—

(A) to complete, not later than 30 days after the date on which the Director or the

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Commissioner receives a complete written request for water transfer associated with voluntarily following nonpermanent crops in the State, all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) necessary to make final permit decisions on the request; and

(B) to grant any water transfer request described in subparagraph (A) to maximize the quantity of water supplies available for nonhabitat uses, on the condition that the following and associated water transfer are in compliance with applicable Federal laws (including regulations);

(3) adopt a 1:1 inflow to export ratio, ~~for the increment of increased flow of the San Joaquin River,~~ as measured as a 3-day running average at Vernalis during the period beginning on April 1, and ending on May 31, ~~absent a determination in writing that a more restrictive inflow to export ratio is required to avoid a negative impact on the long-term survival of a listed salmonid species; provided that the a 1:1 inflow to export ratio shall apply for the increment of increased flow of the San Joaquin River~~ resulting from the voluntary ~~sale, transfers, or and exchanges~~ of water ~~from agencies with rights to divert water from the San Joaquin River or its tributaries, supplies, on the condition that a proposed transfer or exchange under this paragraph may only proceed if the Secretary of the Interior determines that the environmental effects of the proposed transfer or exchange are consistent with effects permissible under applicable law (including regulations), and provided tht~~ Delta conditions are suitable to allow movement of the ~~acquired, transfer, transferred, or exchanged~~ water through the Delta consistent with ~~the Central Valley Project's and the State Water Project's Reclamation's~~ permitted water rights; and

(4) Provide additional priority for eligible WaterSMART projects that address drought conditions including projects that—

(A) provide emergency drinking and municipal water supplies to localities in a quantity necessary to meet minimum public health and safety needs;

(B) prevent the loss of permanent crops;

(C) minimize economic losses resulting from drought conditions; or

(D) provide innovative water conservation tools and technology for agriculture and urban water use that can have immediate water supply benefits.

(c) Accelerated Project Decision and Elevation.—

(1) IN GENERAL.— On request by the Governor of the State, the heads of Federal agencies shall use the expedited procedures under this subsection to make final decisions relating to a Federal project or operation if the project's or operation's purpose is to provide relief for emergency drought conditions pursuant to subsections (a) and (b).

(2) REQUEST FOR RESOLUTION.—

(A) IN GENERAL.— On request by the Governor of the State, the head of a Federal agency referenced in paragraph (1), or the head of another Federal agency responsible for carrying out a review of a project, as applicable, the Secretary of the Interior shall convene a final project decision meeting with the heads of all relevant Federal agencies to decide whether to approve a project to provide relief for emergency drought

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conditions.

(B) MEETING.—The Secretary of the Interior shall convene a meeting requested under subparagraph (A) not later than 7 days after the date on which the meeting request is received.

(3) NOTIFICATION.—On receipt of a request for a meeting under paragraph (2), the Secretary of the Interior shall notify the heads of all relevant Federal agencies of the request, including information on the project to be reviewed and the date of the meeting.

(4) DECISION.—Not later than 10 days after the date on which a meeting is requested under paragraph (2), the head of the relevant Federal agency shall issue a final decision on the project, subject to subsection (e)(2).

(5) MEETING CONVENED BY SECRETARY.—The Secretary of the Interior may convene a final project decision meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under paragraph (2).

(d) Application.—To the extent that a Federal agency, other than the agencies headed by the Secretaries, has a role in approving projects described in subsections (a) and (b), this section shall apply to those Federal agencies.

(e) Limitation.—Nothing in this section authorizes the heads of applicable Federal agencies to approve projects—

(1) that would otherwise require congressional authorization; or

(2) without following procedures required by applicable law.

(f) Drought Plan. The Secretaries of Commerce and the Interior, in consultation with appropriate State officials, shall develop a drought operations plan for the duration of the existing drought emergency that is consistent with the provisions of this section and other provisions of this Act intended to provide additional water supplies that could be of assistance during the current drought.

SEC. 304. OPERATION OF CROSS-CHANNEL GATES.

(a) In General.—The Secretary of Commerce and the Secretary of the Interior shall jointly—

(1) authorize and implement activities to ensure that the Delta Cross Channel Gates remain open to the maximum extent practicable using findings from the United States Geological Survey on diurnal behavior of juvenal salmonids, timed to maximize the peak flood tide period and provide water supply and water quality benefits for the duration of the drought emergency declaration of the State, consistent with operational criteria and monitoring criteria developed pursuant to the Order Approving a Temporary Urgency Change in License and Permit Terms in Response to Drought Conditions of the California State Water Resources Control Board, effective January 31, 2014 (or a successor order) and other authorizations associated with it;

(2) with respect to the operation of the Delta Cross Channel Gates described in paragraph (1), collect data on the impact of that operation on—

(A) species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

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(B) water quality; and

(C) water supply;

(3) consistent with knowledge gained from activities carried out during 2014, collaborate with the California Department of Water Resources to install a deflection barrier at Georgiana Slough in coordination with Delta Cross Channel Gate diurnal operations to protect migrating salmonids;

Commented [A4]: Agencies are investigating the feasibility of diurnal operations.

(4) evaluate the combined salmonid survival in light of activities carried out pursuant to paragraphs (1) through (3) in deciding how to operate the Delta Cross Channel gates to enhance salmonid survival and water supply benefits; and

(5) not later than May 15, 2015, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a written report on the extent to which the gates are able to remain open.

(b) Recommendations.—After assessing the information collected under subsection (a), the Secretary of the Interior shall recommend revisions to the operation of the Delta Cross-Channel Gates, to the Central Valley Project, and to the State Water Project, including, if appropriate, any reasonable and prudent alternative contained in the biological opinion issued by the National Marine Fisheries Service on June 4, 2009, that are likely to produce fishery, water quality, and water supply benefits. The Secretary shall also coordinate with the State Water Resources Control Board to seek consistent direction for the operation of the Delta Cross-Channel Gates under federal and state law, including Water Right Decision 1641.

SEC. 305. FLEXIBILITY FOR EXPORT/INFLOW RATIO.

In response to the declaration of a state of drought emergency by the Governor of California and for the period of time such a drought declaration remains in effect, the Commissioner of the Bureau of Reclamation shall continue to vary the averaging period of the Delta Export/Inflow ratio pursuant to the California State Water Resources Control Board decision D1641, approved in the March Temporary Urgency Change Order—

(1) to operate to a 35 percent Export/Inflow ratio with a 3 day averaging period on the rising limb of a Delta inflow hydrograph; and

(2) to operate to a 14 day averaging period on the falling limb of the Delta inflow hydrograph.

SEC. 306. EMERGENCY ENVIRONMENTAL REVIEWS.

To minimize the time spent carrying out environmental reviews and to deliver water quickly that is needed to address emergency drought conditions in the State during the duration of an emergency drought declaration, the head of each applicable Federal agency shall, in carrying out this Act, consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (including successor regulations), to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) during the emergency.

SEC. 307. PRIORITIZING STATE REVOLVING FUNDS

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DURING DROUGHTS.

(a) In General.—This section shall apply for each of the fiscal years during which an emergency drought declaration of the State is in effect.

(b) The Administrator of the Environmental Protection Agency, in implementing the processes and programs under the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), shall, for those projects that are eligible to receive assistance under section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) or section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)),

(1) issue a determination of waivers within 30 days of the conclusion of the informal public comment period pursuant to section 436(c) of title IV of division G of Public Law 113–76; and

(2) authorize, at the request of the State, 40-year financing for assistance under section 603(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)(2)) or section 1452(f)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(f)(2)).

(c) Effect of Section.—Nothing in this section authorizes the Administrator of the Environmental Protection Agency to modify any funding allocation, funding criteria, or other requirement relating to State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for any other State.

SEC. 308. INCREASED FLEXIBILITY FOR REGULAR PROJECT OPERATIONS.

The Secretaries shall, consistent with applicable laws (including regulations)—

(1) to the maximum extent practicable, based on the availability of water and without causing land subsidence or violating water quality standards—

(A) help meet the contract water supply needs of Central Valley Project refuges through the improvement or installation of water conservation measures, water conveyance facilities, and wells to use groundwater resources, on the condition that those activities may only be accomplished by using funding made available under the Water Assistance Program or the WaterSMART program of the Department of the Interior; and

(B) make available to Central Valley Project contractors a quantity of Central Valley Project surface water obtained from the activities carried out under subparagraph (A);

(2) ~~contingent upon funding~~—in coordination with the Secretary of Agriculture, enter into an agreement with the National Academy of Sciences to conduct a comprehensive study, to be completed not later than 1 year after the date of enactment of this Act, on the effectiveness and environmental impacts of saltcedar biological control efforts on increasing water supplies and improving riparian habitats of the Colorado River and its principal

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tributaries, in the State and elsewhere;

(3) in coordination with the California Department of Water Resources and the California Department of Fish and Wildlife, implement offsite upstream projects in the Delta and upstream Sacramento River and San Joaquin basins that offset the effects on species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) due to activities carried out pursuant this Act, as determined by the Secretaries;

(4) manage reverse flow in the Old and Middle Rivers as prescribed by the smelt biological opinions ~~issued by the United States Fish and Wildlife Service on December 15, 2008, for Delta smelt and by the National Marine Fisheries Service on June 4, 2009, for and the salmonids biological opinion~~, or any successor biological opinions, to minimize water supply reductions for the Central Valley Project and the State Project; ~~and issue guidance no later than December 31, 2015 directing their employees to take all steps necessary to manage flow in accordance with this paragraph;~~

(5) as soon as practicable after the date of enactment of this Act and pursuant to existing authority available to the Secretary of the Interior, participate in, issue grants, or otherwise provide funding for pilot projects to increase water in reservoirs in regional river basins experiencing extreme, exceptional, or sustained drought that have a direct impact on the water supply of the State, including the Colorado River Basin, on the condition that any participation, grant, or funding by the Secretary of the Interior with respect to the Upper Division shall be with or to the respective State; and

(6) use all available scientific tools to identify any changes to real-time operations of the Bureau of Reclamation, State, and local water projects that could result in the availability of additional water supplies.

SEC. 309. TEMPORARY OPERATIONAL FLEXIBILITY FOR FIRST FEW STORMS OF 2015 WATER YEAR.

(a) Findings:

(1) During the 2014 water year, operations of the Central Valley Project and the State Water Project, the incidental take of adult Delta smelt was zero; of juvenile Delta smelt, 78 (7.7% of the incidental take ~~level~~ ~~limit~~); of winter run chinook, 339 (1.4% of the incidental take ~~level~~ ~~limit~~); of spring run chinook, zero; and of steelhead, 261 (8.7% of the incidental take ~~level~~ ~~limit~~).

(2) The Central Valley Project and State Water Project exceeded an Old and Middle River flow of -5,000 cubic feet per second over a 14-day average for brief periods after three storm events in February and March 2014, as a result of increased pumping, but did not cause substantially increased take of smelt or salmon.

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(3) Hydrological conditions in dry years, such as the 2014 water year, have not triggered water pumping restrictions pursuant to the smelt biological opinion.

(4) The Secretaries should be allowed more flexibility to increase pumping levels without causing significant risk to the listed species or weakening other environmental protections.

(5) Given California's severe drought conditions, significant groundwater withdrawals for irrigation due to lack of surface water supplies, and the depletion of water supplies in reservoirs, it is imperative that the Secretaries exercise for the duration of the existing drought emergency the flexibility provided herein to capture the maximum amount of ~~storm flows resulting from storm events when and if they occur in the 2015 water year,~~ and provide for the diversion of water to increase water ~~those~~ supplies to the Central Valley Project and State Water Project so that farms, businesses, and homes in drought-stricken areas will have an opportunity to bolster their meager supplies when water is available.

(b) In general. For the duration of the existing drought emergency, ~~C~~consistent with avoiding additional adverse effects upon listed fish species beyond the range of those authorized under the Endangered Species Act and other environmental protections under subsection (e), the Secretaries shall authorize the Central Valley Project and the State Water Project, combined, to operate at levels that result in negative Old and Middle River flows ~~at up to~~ -7500 cubic feet per second (based on United States Geological Survey gauges on Old and Middle Rivers) daily average for up to 21 cumulative days after October 1, 2014, as described in subsection (c).

(c) Days of temporary operational flexibility. The temporary operational flexibility described in subsection (b) shall be authorized on days that the California Department of Water Resources determines the daily average river flow of the Sacramento River is at, or above, 17,000 cubic feet per second as measured at the Sacramento River at Freeport gauge maintained by the United States Geologic Survey.

(d) Compliance with ESA authorizations. In carrying out this section, the Secretaries may continue to impose any requirements under the biological opinions during any period of temporary operational flexibility as they determine are reasonably necessary to avoid additional adverse effects on listed fish species beyond the range of those authorized under the Endangered Species Act.

(e) Other environmental protections.

(1) The Secretaries' actions under this section shall be consistent with applicable regulatory requirements under state law, including State Water Resources Control Board Decision 1641, as it may be implemented in any given year;

(2) During the first flush of sediment out the Delta during the 2015 water year, OMR flow may be managed at rates less negative than -5000 cubic feet per second for a minimum duration to avoid movement of adult ~~d~~Delta smelt (*Hypomesus transpacificus*) to areas in the southern Delta that would be likely to increase entrainment at Central Valley Project and State Water Project pumping plants;

(3) This section shall not ~~have any effect on the application~~ ble requirements of the salmonid biological opinion from April 1 to May 31, ~~unless the Secretary of Commerce finds that some or all of such applicable requirements may be adjusted during this time~~

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(4) During operations under this section, the Commissioner of Reclamation, in coordination with the Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife, shall undertake a monitoring program and other data gathering to insure incidental take ~~limits~~ levels are not exceeded, and to identify potential negative impacts and actions, if any, necessary to mitigate ~~any~~ impacts of the temporary operational flexibility to listed species listed ~~as threatened or endangered under the Endangered Species Act, 16 U.S.C. 1531-1544~~; and

(5) The Commissioner is authorized to take any action, including the transfer of appropriated funds between accounts that, in the Commissioner's judgment, are necessary to mitigate the impacts of such operations as long as any such mitigation is consistent with the requirements of this section.

(f) Technical adjustments to target period. If, before temporary operational flexibility has been implemented on 21 cumulative days, the Secretaries operate the Central Valley Project and the State Water Project combined at levels that result in Old and Middle River flows less negative than -7500 cubic feet per second during days of temporary operational flexibility as defined in subsection (c), the duration of such operation shall not be counted toward the 21 cumulative days specified in subsection (b).

(g) Emergency consultation; effect on running averages.

(1) If necessary to implement the provisions of this section, the Commissioner shall use the emergency consultation procedures under the Endangered Species Act and its implementing regulation at 50 CFR 402.05 to temporarily adjust the operating criteria under the biological opinions, solely for the 21 days of temporary operational flexibility—

(A) no more than necessary to achieve the purposes of this section consistent with the environmental protections in subsections (d) and (e); and

(B) including, as appropriate, adjustments to ensure that the actual flow rates during the periods of temporary operational flexibility do not count toward the 5-day and 14-day running averages of tidally filtered daily Old and Middle River flow requirements under the biological opinions.

(2) Following the conclusion of the 21 days of temporary operational flexibility, the Commissioner shall not reinitiate consultation on these adjusted operations if the effects on listed fish species of these operations under this section remain within the range of those authorized under the Endangered Species Act.

(h) Level of detail required for analysis. In articulating the determinations required under this section, the Secretaries shall fully satisfy the requirements herein but shall not be expected to provide a greater level of supporting detail for the analysis than feasible to provide within the short time frame permitted for timely decision-making in response to changing conditions in the Delta.

(i) Duration. This section shall expire on September 30, 2015.

SEC. 310. EXPEDITING WATER TRANSFERS.

(a) In General.—Section 3405(a) of the Central Valley Project Improvement Act (Public Law

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102–575; 106 Stat. 4709(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (4) through (6), respectively;

(2) in the matter preceding paragraph (4) (as so designated)—

(A) in the first sentence, by striking “In order to” and inserting the following:

“(1) IN GENERAL.—In order to”; and

(B) in the second sentence, by striking “Except as provided herein” and inserting the following:

“(3) TERMS.—Except as otherwise provided in this section”; and

(3) by inserting before paragraph (3) (as so designated) the following:

“(2) EXPEDITED TRANSFER OF WATER.—The Secretary shall take all necessary actions to facilitate and expedite transfers of Central Valley Project water in accordance with—

“(A) this Act;

“(B) any other applicable provision of the reclamation laws; and

“(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”;

(4) in paragraph (4) (as so designated)—

(A) in subparagraph (A), by striking “to combination” and inserting “or combination”; and

(B) by striking “3405(a)(2) of this title” each place it appears and inserting “(5)”; and

(5) in paragraph (5) (as so designated), by adding at the end the following:

“(E) The contracting district from which the water is coming, the agency, or the Secretary shall determine if a written transfer proposal is complete within 45 days after the date of submission of the proposal. If the contracting district or agency or the Secretary determines that the proposal is incomplete, the district or agency or the Secretary shall state with specificity what must be added to or revised for the proposal to be complete.”; and

(6) in paragraph (6) (as so designated), by striking “3405(a)(1)(A)-(C), (E), (G), (H), (I), (L), and (M) of this title” and inserting “(A) through (C), (E), (G), (H), (I), (L), and (M) of paragraph (4)”.

(b) Conforming Amendments.—The Central Valley Project Improvement Act (Public Law 102–575) is amended—

(1) in section 3407(c)(1) (106 Stat. 4726), by striking “3405(a)(1)(C)” and inserting “3405(a)(4)(C)”; and

(2) in section 3408(i)(1) (106 Stat. 4729), by striking “3405(a)(1) (A) and (J) of this title” and inserting “subparagraphs (A) and (J) of section 3405(a)(4)”

SEC. 311. WARREN ACT CONTRACTS.

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[To be supplied.]

SEC. 312. ADDITIONAL WARREN ACT CONTRACTS.

[To be supplied.]

TITLE IV—INCREASING WATER STORAGE

SEC. 401. FINDINGS.

Congress finds that—

(1) the record drought conditions being experienced in the State as of the date of enactment of this Act are—

(A) expected to recur in the future; and

(B) likely to do so with increasing frequency;

(2) water storage is an indispensable and integral part of any solution to address the long-term water challenges of the State;

(3) Congress authorized relevant feasibility studies for 4 water storage projects in the State, including projects for—

(A) enlargement of Shasta Dam in Shasta County under section 2(a) of Public Law 96–375 (94 Stat. 1506), as reaffirmed under section 103(d)(1)(A)(i)(I) of Public Law 108–361 (118 Stat. 1684);

(B) enlargement of Los Vaqueros Reservoir in Contra Costa County under section 215 of Public Law 108–7 (117 Stat. 147), as reaffirmed under section 103(d)(1)(A)(i)(II) of Public Law 108–361 (118 Stat. 1684);

(C) construction of North-of-Delta Offstream Storage (Sites Reservoir) in Colusa County under section 215 of Public Law 108–7 (117 Stat. 147), as reaffirmed under section 103(d)(1)(A)(ii)(I) of Public Law 108–361 (118 Stat. 1684); and

(D) construction of the Upper San Joaquin River storage (Temperance Flat) in Fresno and Madera Counties under section 215 of Public Law 108–7 (117 Stat. 147), as reaffirmed under section 103(d)(1)(A)(ii)(II) of Public Law 108–361 (118 Stat. 1684);

(4) (A) as of the date of enactment of this Act, it has been more than 10 years since the authorization of the feasibility studies referred to in paragraph (3); but

(B) complete and final feasibility studies have not been prepared for any of those water storage projects;

(5) as of August 2014, only 2 of the 4 projects referred to in paragraph (3) have completed draft feasibility studies;

(6) the slow pace of work on completion of the feasibility studies for those 4 water storage projects is—

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(A) unjustified; and

(B) of deep concern; and

(7) there is significant public interest in, and urgency with respect to, completing all feasibility studies and environmental reviews for the water storage projects referred to in paragraph (3), given the critical need for that infrastructure to address the water challenges of the State.

SEC. 402. CALFED STORAGE FEASIBILITY STUDIES.

(a) In General.—Notwithstanding subparagraph (B)(i) of section 103(d)(1) of Public Law 108–361 (118 Stat. 1684), the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this title as the “Secretary”), shall complete a final feasibility study and any other applicable environmental review documents for the project described in—

(1) subparagraph (A)(i)(I) of that section by not later than December 31, 2014;

(2) subparagraph (A)(ii)(II) of that section by not later than July 31, 2015.

(b) Environmental Reviews.—In carrying out subsection (a), the Secretary—

(1) shall ensure that—

(A) all applicable reviews, including reviews required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), are completed as expeditiously as practicable; and

(B) the shortest applicable process under that Act is used, including in the completion of—

(i) feasibility studies;

(ii) draft environmental impact statements; and

(iii) final environmental impact statements; and

(2) shall not be required to complete a draft or final environmental impact statement if the Commissioner of Reclamation determines, and the Secretary concurs, that the project fails to meet applicable Federal cost-benefit requirements or standards.

(c) Accountability.—

(1) If the Bureau of Reclamation determines that an environmental review document for the water storage projects referenced in of Section 103(d)(1) of P.L. 108-361 will not be completed according to the schedule specified in subsection (a), the Bureau shall notify the Senate Committee on Energy and Natural Resources, the Senate Appropriations Subcommittee on Energy and Water Development, and the House of Representatives Transportation and Infrastructure Committee within 14 days of the determination. The notification shall include:

(A) An explanation of the delay;

(B) The anticipated length of the delay and the revised completion date;

(C) The steps that the Bureau will take to mitigate the delay, including, but not limited to, a request to reprogram existing funds appropriated to the Bureau to meet the revised completion deadline.

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(2) The Bureau of Reclamation shall carry out the procedures in subsection (a) for each subsequent delay beyond the revised completion deadline.

SEC. 403. WATER STORAGE PROJECT CONSTRUCTION.

(a) The Secretary, acting through the Commissioner of the Bureau of Reclamation, may partner or enter into an agreement on the water storage projects identified in section 103(d)(1) of the Water Supply Reliability and Environmental Improvement Act (Public Law 108-361) (and Acts supplemental and amendatory to the Act) with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments within the applicable hydrologic region, to advance those projects.

(b) [PLACEHOLDER FOR AUTHORIZATION ISSUE]

SEC. 404. OTHER STORAGE FEASIBILITY STUDIES.

(a) Definition of Qualifying Project.—In this section, the term “qualifying project” means new surface water storage projects constructed on lands administered by the Department of the Interior in a State in which the Bureau of Reclamation has jurisdiction, exclusive of any easement, right-of-way, lease, or any private holding.

(b) Lead Agency.—

(1) QUALIFYING PROJECTS WITHIN JURISDICTION OF BUREAU OF RECLAMATION.—The Bureau of Reclamation shall serve as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, and other approvals or decisions required under Federal law (including regulations) to construct qualifying projects within the jurisdiction of the Bureau.

(2) QUALIFYING PROJECTS OUTSIDE JURISDICTION OF BUREAU OF RECLAMATION.—If the site of a qualifying project is not located in a State in which the Bureau of Reclamation has jurisdiction, the Secretary shall, by not later than 45 days after the date of receipt of an application for the qualifying project—

(A) designate an alternate agency within the Department of the Interior to serve as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, and other approvals or decisions required under Federal law (including regulations) to construct the qualifying project; or

(B) in consultation with the heads of other Federal departments and agencies, identify the appropriate lead agency for the qualifying project.

(c) Cooperating Agencies.—

(1) FEDERAL DEPARTMENTS AND AGENCIES.—The lead agency designated under paragraph (1) or (2) of subsection (b) shall—

(A) as soon as practicable after receipt of an application for a qualifying project, identify any Federal department or agency that may have jurisdiction over a review, permit, license, approval, or decision required for the qualifying project under applicable Federal laws (including regulations); and

(B) as soon as practicable after the date of identification under subparagraph (A)—

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- 1 (i) notify each applicable department or agency of the identification; and
2 (ii) designate the department or agency as a cooperating agency, unless the
3 department or agency—

4 (I) has no jurisdiction or authority with respect to the qualifying project;

5 (II) has no expertise or information relevant to the qualifying project or
6 any review, permit, license, approval, or decision associated with the
7 qualifying project; or

8 (III) does not intend—

9 (aa) to submit comments regarding the qualifying project; or

10 (bb) to conduct any review of the qualifying project or make any
11 decision with respect to the qualifying project in a manner other than in
12 cooperation with the Bureau of Reclamation.

13 (2) STATES.—A State in which a qualifying project is proposed to be carried out may
14 elect, consistent with Federal and State law, to participate as a cooperating agency, if the
15 lead agency designated for the proposed qualifying project under paragraph (1) or (2) of
16 subsection (b) determines that the applicable agency of the State—

17 (A) has jurisdiction over the qualifying project under applicable Federal or State
18 law;

19 (B) is required to conduct or issue a review of the qualifying project; and

20 (C) is required to make a determination regarding issuing a permit, license, or
21 approval of the qualifying project.

22 (d) Duties of Lead Agency.—

23 (1) IN GENERAL.—Not later than 30 days after the date of receipt of an application for
24 approval of a qualifying project, the lead agency shall hold a meeting among the applicant,
25 the lead agency, and all cooperating agencies to establish, with respect to the qualifying
26 project, all applicable—

27 (A) requirements;

28 (B) review processes; and

29 (C) stakeholder responsibilities.

30 (2) SCHEDULE.—

31 (A) ESTABLISHMENT.—Not later than 30 days after the date of the meeting under
32 paragraph (1), the lead agency, in consultation with the attendees of the meeting, shall
33 establish a schedule for completion of the qualifying project, taking into consideration,
34 among other relevant factors—

35 (i) the responsibilities of cooperating agencies under applicable laws and
36 regulations;

37 (ii) the resources available to the cooperating agencies and non-Federal project
38 stakeholders;

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- (iii) the overall size and complexity of the qualifying project;
- (iv) the overall schedule for, and cost of, the qualifying project; and
- (v) the sensitivity of the natural and historic resources that may be affected by the qualifying project.

(B) REQUIREMENTS.—On establishment of a schedule for a qualifying project under subparagraph (A), the lead and cooperating agencies shall—

- (i) to the maximum extent practicable, adhere to the schedule; and
- (ii) submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives on a semiannual basis a report describing any delays in the schedule, including a description of—

(I) the reasons for the delay;

(II) the actions that the lead and cooperating agencies will take to minimize the delay; and

(III) a revised schedule for the qualifying project, if applicable.

(e) Environmental Reviews.—

(1) SINGLE, UNIFIED ENVIRONMENTAL REVIEW DOCUMENT.—

(A) IN GENERAL.—The lead agency with respect to a qualifying project, in consultation with appropriate stakeholders and cooperating agencies, shall determine whether a single, unified environmental review document relating to the qualifying project is sufficient to comply with applicable Federal laws (including regulations), including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) ACTION ON DECLINATION.—If, after consultation under subparagraph (A), a lead agency determines not to adopt a single, unified environmental review document relating to a qualifying project—

(i) the lead agency shall—

(I) document the reasons for the determination; and

(II) submit to the Secretary a report describing those reasons; and

(ii) the Secretary may require the adoption of a single, unified document at the discretion of the Secretary, based on good cause.

(2) ENVIRONMENTAL ASSESSMENT.—Except as provided under paragraph (4), if the lead agency with respect to a qualifying project, in consultation with cooperating agencies, determines that an environmental assessment is sufficient to comply with the requirements of this subsection and other applicable Federal laws (including regulations)—

(A) the public comment period for a draft environmental assessment shall be no more than 60 days after publication in the Federal Register of notice of the public issuance of that draft; and

(B) the lead agency shall issue the final environmental assessment by not later than

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180 days after the end of the period for public comments on the draft environmental assessment.

(3) ENVIRONMENTAL IMPACT STATEMENT.— Except as provided under paragraph (4), if the lead agency with respect to a qualifying project, in consultation with cooperating agencies, determines that an environmental impact statement is required to comply with the requirements of this subsection and other applicable Federal laws (including regulations)—

(A) the public comment period for a draft environmental impact statement shall be no more than 60 days after publication in the Federal Register of notice of the public issuance of that draft; and

(B) the lead agency shall issue the final environmental impact statement by not later than 1 year after the end of the period for public comments on the draft environmental impact statement.

(4) MODIFICATION OF SCHEDULE.—In carrying out paragraphs (2) and (3),

(A) the lead agency with respect to a qualifying project may modify the schedule of the qualifying project if:

(i) the Federal lead agency can demonstrate good cause, such as the need for additional time to comply with other statutory or regulatory requirements other than the National Environmental Policy Act of 1969, and the head of that agency submits to Congress a written determination describing the cause and reasons for the modification no less than 30 days before the original scheduled deadline; or

(ii) the Federal lead agency, the project sponsor, the joint lead agency (as applicable), and all participating and cooperating agencies agree to such modification.

(B) no modification pursuant to subparagraph (4)(A) shall postpone the issuance of a final environmental assessment by more than 1 year, or a final environmental impact statement by more than 2 years, unless the conditions under (4)(A)(i) or (4)(A)(ii) are met.

(C) If a modification occurs pursuant to this paragraph, the Federal lead agency shall issue and adhere to the revised schedule unless the conditions under (4)(A)(i) or (4)(A)(ii) are met.

(5) REQUIREMENTS.—On commencement of the environmental review process under this subsection, the lead and cooperating agencies shall, as soon as practicable—

(A) make available to all stakeholders of the qualifying project information regarding—

(i) the environmental and socioeconomic resources located within the area of the qualifying project; and

(ii) the general locations of the alternatives under consideration; and

(B) identify any issues of concern regarding the potential environmental or socioeconomic effects of the qualifying project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that

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is needed for a study relating to the qualifying project.

(f) Concurrent Review Actions.—

(1) IN GENERAL.—Any review, analysis, permit, license, approval, or decision regarding a qualifying project made by a Federal, State, or local government agency shall be—

(A) conducted, to the maximum extent practicable, concurrently with any other applicable government agency; and

(B) incorporated in the schedule for the qualifying project under subsection (d)(2).

(2) REQUIREMENT.—The lead and cooperating agencies for a qualifying project shall formulate and implement administrative, policy, and procedural mechanisms to enable adherence to the schedule for the qualifying project in a timely, coordinated, and environmentally responsible manner.

(3) GUIDANCE.—The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that, to the maximum extent practicable—

(A) eliminates repetitive discussions of the same issues;

(B) focuses on the actual issues ripe for analysis at each level of review;

(C) establishes a formal process for coordinating with participating and cooperating agencies, including the establishment of a list of all data required to carry out an environmental review process; and

(D) complies with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and all other applicable laws and regulations.

(g) Administrative Record and Data Management.—

(1) IN GENERAL.—The lead agency shall—

(A) be responsible for compiling the administrative record of the information used as the basis for decisions relating to a qualifying project; and

(B) to the maximum extent practicable and consistent with Federal law, make available all data regarding the qualifying project in a format that is accessible via electronic means for project stakeholders, cooperating agencies, and the public.

(2) REPORTS.—Not less frequently than once each year, the lead agency shall submit a progress report regarding a qualifying project to project stakeholders, cooperating agencies, the Committee on Environment and Public Works of the Senate, and the Committee on Natural Resources of the House of Representatives.

(h) Participation by Non-Federal Project Sponsors.—

(1) APPLICATION TO SERVE AS COOPERATING AGENCY.—A non-Federal sponsor of a qualifying project may submit to the lead Secretary an application to serve as a cooperating agency of the qualifying project for purposes of preparing any necessary documents relating to the qualifying project, including an environmental review, if—

(A) the non-Federal sponsor is a public agency as defined under the laws of the state in which the agency is located;

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(B) the non-Federal sponsor agrees to adhere to—

(i) all required Federal laws (including regulations) in carrying out the qualifying project; and

(ii) all decisions regarding the qualifying project that have been agreed on by other stakeholders of the qualifying project; and

(C) the applicable lead agency certifies that participation by the non-Federal sponsor will not inappropriately bias the qualifying project in favor of the non-Federal sponsor.

(2) FUNDS.—Any funds contributed by a non-Federal sponsor to a qualifying project—

(A) may be accepted to maintain or accelerate progress on the qualifying project, subject to the condition that the Secretary shall—

(i) review the use of the funds; and

(ii) certify in writing that the funds—

(I) are used solely to complete applicable environmental reviews; and

(II) do not unduly influence any permit or approval decision regarding the qualifying project; and

(B) shall be applied toward the non-Federal cost-share of the qualifying project.

(i) Applicability to Calfed Storage Studies.—For any feasibility study referred to in section 401(3), this section shall apply to all activities to be carried out under the study on or after the date of enactment of this Act that would lead to congressional authorization of an applicable project for construction.

SEC. 405. DAM SAFETY PROJECTS WITH INCREASED STORAGE COMPONENT.

(a) Additional Project Benefits.—The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 3 (43 U.S.C. 507), by striking “Construction” and inserting “Except as provided in section 5B, construction”; and

(2) by inserting after section 5A (43 U.S.C. 509a) the following:

“SEC. 5B. ADDITIONAL PROJECT BENEFITS.

“(a) In General.—Notwithstanding section 3, if the Secretary, in the judgment of the Secretary, makes a determination described in subsection (b), the Secretary is authorized to develop any additional project benefit—

“(1) through the construction of new or supplementary works on a project in conjunction with the activities carried out by the Secretary pursuant to section 2; and

“(2) subject to the conditions described in the feasibility study relating to the project.

“(b) Description of Determination.—A determination referred to in subsection (a) is a determination by the Secretary that—

“(1) an additional project benefit, including but not limited to additional conservation

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storage capacity, is—

“(A) necessary; and

“(B) in the interests of the United States; and

“(2) the project benefit proposed to be carried out is—

“(A) feasible; and

“(B) not inconsistent with the purposes of this Act.

“(c) Requirements.—The costs associated with developing an additional project benefit under this section shall be—

“(1) allocated to entity or entities benefitting from the additional conservation storage capacity, subject to agreement between the state and federal funding agencies on such allocations; and

“(2) repaid in accordance with all applicable provisions of Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).”.

(b) San Luis Reservoir Expansion.—Section 103(f)(1)(A) of Public Law 108–361 (118 Stat. 1694) is amended—

(1) by striking “Funds” and inserting the following:

“(i) IN GENERAL.—Funds”; and

(2) by adding at the end the following:

“(ii) ENVIRONMENTAL REVIEWS AND FEASIBILITY STUDY.—The Commissioner of Reclamation shall submit to Congress—

“(I) an expansion draft environmental impact statement and feasibility study relating to the San Luis Reservoir by not later than April 1, 2016; and

“(II) a final environmental impact statement relating to the San Luis Reservoir by not later than December 31, 2016.”.

**SEC. 406. UPDATING WATER OPERATIONS MANUALS
FOR NON-FEDERAL PROJECTS.**

(a) Definitions.—In this section:

(1) NON-FEDERAL PROJECT.—

(A) IN GENERAL.—The term “non-Federal project” means a non-Federal reservoir project operated for flood control in accordance with rules prescribed by the Secretary pursuant to section 7 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 890, chapter 665).

(B) EXCLUSION.—The term “non-Federal project” does not include any dam or reservoir owned by—

(i) the Bureau of Reclamation; or

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(ii) the Corps of Engineers.

(2) OWNER.—The term “owner” with respect to a non-Federal project, does not include—

(A) the Secretary;

(B) the Secretary of the Interior; or

(C) the head of any other Federal department or agency, notwithstanding any Federal monetary contribution made toward the construction cost of the relevant non-Federal project, if the contribution is predicated on flood control or other specific benefit.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Army.

(b) Review by Secretary.—

(1) IN GENERAL.—Not later than 1 year after the date of receipt of a request from the owner of a non-Federal project, the Secretary, in consultation with the owner, shall review the water control manual and flood control rule curves and any operational or structural modifications proposed by the owner, including the use of improved weather forecasting and run-off forecasting methods, to enhance the existing purposes of the non-Federal project.

(2) REPORT.—Not later than 90 days after the date of completion of a review under paragraph (1), the Secretary shall submit to the owner of the applicable non-Federal project a report describing the results of the review.

(3) PRIORITY.—In carrying out of this subsection, the Secretary shall give priority to review and revision of water control manuals and flood control rule curves for any non-Federal project—

(A) that is located in a State in which a drought emergency has been declared during the 1-year period ending on the date of review by the Secretary;

(B) the owner of which has submitted to the Secretary a formal request to review or revise the operations manual or rule curves to accommodate new watershed data or proposed project modifications or operational changes;

(C) the water control manual and hydrometeorological information establishing the flood control rule curves of which have not been revised during the 20-year period ending on the date of review by the Secretary;

(D) with respect to which a completed probable maximum flood analysis or other data indicates that revisions of the project control manual or rule curves are likely to enhance water supply benefits and flood control operations; and

(E) modifications or operational changes proposed by the owner of which are likely to enhance water supply benefits and flood control operations.

(4) NON-FEDERAL CONTRIBUTIONS.—The Secretary may accept non-Federal funds for all or a portion of the cost of carrying out a review or revision of water control manuals and rule curves for non-Federal projects under this subsection.

SEC. 407. CENTRAL VALLEY PROJECT.

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(a) Cooperative Agreements.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, to determine the feasibility of an agreement for long-term use of an existing or expanded non-Federal storage or conveyance facility to augment Federal water supply, ecosystem, and operational flexibility benefits, the Secretary shall offer to enter into cooperative agreements with non-Federal entities to provide replacement water supplies for drought relief for—

(A) contractors of the Central Valley Project (as defined in section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706));

(B) units of the National Wildlife Refuge System;

(C) State wildlife areas; and

(D) private wetland areas.

(2) REQUIREMENTS.—A cooperative agreement under this subsection shall—

(A) include the purchase of storage capacity in non-Federal facilities from willing sellers; and

(B) provide reimbursement for the temporary use of available capacity in existing above-ground, off-stream storage and associated conveyance facilities owned by local water agencies.

(b) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Chief of the National Wildlife Refuge System and contractors of the Central Valley Project a report describing the feasibility of the agreement for long-term use described in subsection (a)(1).

TITLE V—WATER RIGHTS PROTECTIONS

SEC. 501. PROTECTIONS FOR STATE WATER PROJECT CONTRACTORS.

If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(a) revokes the consistency determination pursuant to California Fish and Game Code section 2080.1;

(b) amends or issues a new consistency determination pursuant to California Fish and Game Code section 2080.1 in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the ~~S~~smelt ~~B~~biological ~~O~~opinion and the ~~S~~salmonid ~~B~~biological ~~O~~opinion; or

(c) requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the ~~S~~smelt ~~B~~biological ~~O~~opinion and the ~~S~~salmonid ~~B~~biological ~~O~~opinion,

then, the water supply benefits of such action by the California Department of Fish and

Commented [A6]: The agencies have not had a chance to fully analyze this Title. We expect the House to provide further suggestions, and we will seek the agencies' technical feedback on the entire title with the House's suggestions included.

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Wildlife accruing to the Central Valley Project, if any, shall be shared equally with the State Water Project.

SEC. 502. AREA OF ORIGIN PROTECTIONS.

(a) The Secretary of the Interior (Secretary) is directed in the operation of the Central Valley Project (CVP) to adhere to California's water rights laws governing water rights priorities by honoring water rights senior to those held by the United States for operation of the CVP, regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2. Article 1.7 (commencing with section 1215 of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462 and 11463, and Sections 12200 to 12220, inclusive).

(b) Any action that requires that diversions be bypassed or that involves the release of water from any CVP water storage facility taken by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.) shall be applied in a manner that is consistent with water rights priorities established by California law.

SEC. 503. NO REDIRECTED ADVERSE IMPACTS.

The Secretary shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this Act, including, but not limited to, such actions under the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) and other federal laws, shall not cause redirected adverse water supply or fiscal impacts to those within the Sacramento River Watershed or the State Water Project.

SEC. 504. EFFECT ON STATE LAWS.

Nothing in this Act preempts any State law in effect on the date of enactment of this Act, including area of origin and other water rights protections.

TITLE VI—MISCELLANEOUS

SEC. 601. AUTHORIZED SERVICE AREA.

(a) In General.—The authorized service area of the Central Valley Project authorized under the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) shall include the area within the boundaries of the Kettleman City Community Services District, California, as in existence on the date of enactment of this Act.

(b) Long-term Contract.—

(1) IN GENERAL.—Notwithstanding the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) and subject to paragraph (2), the Secretary of the Interior, in accordance with the reclamation laws, shall enter into a long-term contract with the Kettleman City Community Services District, California, under terms and conditions

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mutually agreeable to the parties, for the delivery of up to 900 acre-feet of Central Valley Project water for municipal and industrial use.

(2) LIMITATION.—Central Valley Project water deliveries authorized under the contract entered into under paragraph (1) shall be limited to the minimal quantity necessary to meet the immediate needs of the Kettleman City Community Services District, California, in the event that local supplies or State Water Project allocations are insufficient to meet those needs.

(c) Permit.—The Secretary shall apply for a permit with the State for a joint place of use for water deliveries authorized under the contract entered into under subsection (b) with respect to the expanded service area under subsection (a), consistent with State law.

(d) Additional Costs.—If any additional infrastructure, water treatment, or related costs are needed to implement this section, those costs shall be the responsibility of the non-Federal entity.

SEC. 602. RESCHEDULED WATER.

(a) In General.—In connection with operations of the Central Valley Project, California, if the San Luis Reservoir does not fill by the last day of February of any year, the Secretary of the Interior shall permit any entity with an agricultural water service or repayment contract for the delivery of water from the Delta Division or the San Luis Unit to reschedule into the immediately following contract year (March 1 through the last day of February) any unused Central Valley Project water previously allocated for irrigation purposes.

(b) Apportionment.—If Project water remaining in Federal storage in San Luis Reservoir on the last day of February of any year is insufficient to meet the aggregate of all requests to rescheduling water requests under subsection (a), the Secretary of the Interior shall, based on contract quantity, apportion among all contractors that request to reschedule water all Project water remaining in San Luis Reservoir on the last day of February of the applicable year.

(c) Availability of Additional Water.—If water remaining in San Luis Reservoir on the last day of February is apportioned pursuant to paragraph (b), the Secretary shall make all reasonable efforts to make available additional water up to the aggregate of rescheduling requests; provided that such efforts shall not interfere with Central Valley Project operations or the Secretary's ability to meet the United States' obligations to San Joaquin River Exchange Contractors or other settlement contractors in the contract year for which Central Valley Project water has been rescheduled.

SEC. 603. FISHERIES DISASTER DECLARATION.

[TO BE SUPPLIED.]

SEC. 604. OVERSIGHT BOARD FOR RESTORATION FUND.

(a) Report; Advisory Board.—Section 3407 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4726) is amended by adding at the end the following:

“(g) Report on Expenditure of Funds.—

“(1) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the Advisory

Commented [A7]: The agencies are still reviewing the contents of this section. We anticipate the House will provide further suggestions, and we intend to seek the agencies' technical feedback on this language as modified by the House's suggestions.

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Board, shall submit to Congress a plan for the expenditure of all of the funds deposited into the Restoration Fund during the preceding fiscal year.

“(2) CONTENTS.—The plan shall include an analysis of the cost-effectiveness of each expenditure.

“(h) Advisory Board.—

“(1) ESTABLISHMENT.—There is established the Restoration Fund Advisory Board (referred to in this section as the ‘Advisory Board’), which shall be composed of 14 members appointed by the Secretary.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The Secretary shall appoint members to the Advisory Board that represent the various Central Valley Project stakeholders, of whom—

“(i) 3 members shall be agricultural users of the Central Valley Project;

“(ii) 2 members shall be municipal and industrial users of the Central Valley Project;

“(iii) 3 members shall be power contractors of the Central Valley Project;

“(iv) 1 member shall be a representative of a federal wildlife refuge that contracts for Central Valley Project water supplies with the Bureau of Reclamation;

“(v) 1 member shall represent nongovernmental organizations involved in the protection and restoration of California fisheries;

“(vi) 1 member shall represent the commercial fishing industry;

“(vii) 1 member shall represent the recreational fishing industry; and

“(viii) 2 members shall be appointed at the discretion of the Secretary.

“(B) OBSERVER.—The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

“(C) CHAIRMAN.—The Secretary shall appoint 1 of the members described in subparagraph (A) to serve as Chairman of the Advisory Board.

“(3) TERMS.—The term of each member of the Advisory Board shall be 4 years.

“(4) DATE OF APPOINTMENTS.—The appointment of a member of the Panel shall be made not later than—

(A) the date that is 120 days after the date of enactment of this Act; or

(B) in the case of a vacancy on the Panel described in subsection (c)(2), the date that is 120 days after the date on which the vacancy occurs.

“(5) Vacancies.—

(A) IN GENERAL.—A vacancy on the Panel shall be filled in the manner in which the original appointment was made and shall be subject to any conditions that applied with respect to the original appointment.

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(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(C) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the successor of the member takes office.

“(6) Removal —A Member of the Panel may be removed from office by the Secretary of the Interior.

“(7) Federal Advisory Committee Act. —The Panel shall not be subject to the requirements of the Federal Advisory Committee Act.

“(8) DUTIES.—The duties of the Advisory Board are—

“(A) to meet not less frequently than semiannually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out under this title;

“(B) to ensure that any advice given or recommendation made by the Advisory Board reflects the independent judgment of the Advisory Board;

“(C) not later than December 31, 2015, and annually thereafter, to submit to the Secretary and Congress the recommendations under subparagraph (A); and

“(D) not later than December 31, 2015, and biennially thereafter, to submit to Congress a report that details the progress made in achieving the actions required under section 3406.

“(9) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.”

“(10) Cooperation and Assistance.—

(A) Upon request of the Panel Chairperson for information or assistance to facilitate the carrying out of this section, the Secretary of the Interior shall promptly provide such information, unless otherwise prohibited by law.

(B) Space and Assistance.—The Secretary of the Interior shall provide the Panel with appropriate and adequate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Panel, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

SEC. 605. WATER OPERATIONS REVIEW PANEL.

(a) Establishment.—There is established a panel to be known as the “Water Operations Review Panel”.

(b) Membership.—

(1) COMPOSITION.—The Panel shall be composed of 5 members appointed by the Secretary of the Interior, in consultation with the Secretary of Commerce, of whom—

(A) 1 member shall be a person who possesses expert knowledge of methods generally accepted by the scientific community, former State elected official, who shall be the Chairperson of the Panel;

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(B) 2 members shall be fisheries biologists, of whom—

(i) 1 member shall have expertise in Delta smelt; and

(ii) 1 member shall have expertise in salmonids; and

(C) 2 members shall be engineers with substantial expertise in water operations.

~~(2) RECOMMENDATIONS.—The Secretary of the Interior shall consider the recommendations~~

~~(43)~~ (4) DATE OF APPOINTMENTS.—The appointment of a member of the Panel shall be made not later than—

(A) the date that is 120 days after the date of enactment of this Act; or

(B) in the case of a vacancy on the Panel described in subsection (c)(2), the date that is 120 days after the date on which the vacancy occurs.

(c) Term; Vacancies.—

(1) TERMS.—A member of the Panel shall be appointed for a term of 3 years, except that, with respect to the members first appointed under this section—

(A) the Chairperson shall be appointed for a term of 3 years;

(B) of the members appointed under subsection (b)(1)(B)—

(i) 1 member shall be appointed for a term of 1 year; and

(iii) 1 member shall be appointed for a term of 2 years;

(C) of the members appointed under subsection (b)(1)(C)—

(i) 1 member shall be appointed for a term of 1 year; and

(ii) 1 member shall be appointed for a term of 2 years.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Panel shall be filled in the manner in which the original appointment was made and shall be subject to any conditions that applied with respect to the original appointment.

(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

~~(3) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the successor of the member takes office.~~

(d) Removal. —A Member of the Panel may be removed from office by the Secretary of the Interior.

(e) Federal Advisory Committee Act. —The Panel shall not be subject to the requirements of the Federal Advisory Committee Act.

(f) Duties.

(1) Annual Assessment and Report on Agencies' Operational Decisions under this Act.—

(A) IN GENERAL.—No later than November 30, 2015, and annually no later than

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November 30 thereafter, the Panel shall report an assessment of the agencies' operational decisions under this Act and recommendations for the prospective implementation of this Act to the following Congressional committees:

- (i) Senate Committee on Environment and Public Works;
- (ii) Senate Appropriations Subcommittee on Energy and Water Development;
- (iii) House Natural Resources Committee; and
- (iv) House Appropriations Subcommittee on Energy and Water Development.

(B) RETROSPECTIVE ASSESSMENT.—In making the retrospective assessment under paragraph (1), the Panel shall review and evaluate restrictions imposed under the smelt biological opinion and the salmonid biological opinion, and successor opinions, on operations of the Central Valley Project and State Water Project ~~the Director of the Fish and Wildlife Service, Administrator of NOAA Fisheries, and Commissioner of Reclamation's~~—

(i) to determine the efficacy of those restrictions for the purpose of protecting listed species; and decisions in implementing this Act and other Federal laws applicable to the operations of the Central Valley Project and the State Water Project;

(iii) efforts to minimize water supply reductions for the Central Valley Project and State Water Project resulting from implementation of the smelt biological opinion and the salmonid biological opinion, and successor opinions ~~disruptions while complying with the Endangered Species Act and this Act.~~

(C) PROSPECTIVE RECOMMENDATIONS.—The Panel shall make recommendations for prospective actions and potential actions warranting further study to better achieve the purposes of this Act and the Endangered Species Act as applied to the operations of the Central Valley Project and the State Water Project, including proposals—

(i) that in combination, both increase the survival of listed species and increase water supplies for the Central Valley Project and the State Water Project;

(ii) ~~to increase the survival of listed fish species with little to no adverse effects on water supplies for the Central Valley Project and the State Water Project that would result from taking the specific proposed action recommended;~~

(iii) that respond to the annual Delta Science Program Independent Review Panel reports on the Long-term Operations Opinions.

~~(2) Five Year Assessment on Effectiveness of Provisions of Act and Recommended Legislative Changes.~~

(1) Upon request of the Panel Chairperson for information or assistance to facilitate the carrying out of this section, the Secretary of Commerce and the Secretary of the Interior shall promptly provide such information, unless otherwise prohibited by law.

(2) Space and Assistance.—The Secretary of the Interior shall provide the Panel with appropriate and adequate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Panel, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

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**SEC. 606. CONTINGENCY IN EVENT OF CONTINUING
RESOLUTION FOR FISCAL YEAR 2015.**

The deadlines that apply to each respective Secretary, or agency, contained in sections 103(b), 103(d), 202, 204, and 205 shall be extended by the number of days that any resolution providing continuing appropriations for the Fish and Wildlife Service or NOAA Fisheries for fiscal year 2015 is in effect after January 1, 2015 if:

(1) such a resolution providing continuing appropriations for these agencies is enacted;

(2) the continuing resolution does not include funding for the agency actions prescribed in the sections of this Act specified above; and

(3) a funding shortfall remains for such agency actions after the Secretaries have consulted with the California Department of Water Resources, Central Valley Project and State Water Project contractors, and the Interagency Ecological Program.

From: Jason Peltier

Sent: Tuesday, October 21, 2014 8:27 AM

To: T Birmingham (tbirmingham@westlandswater.org); 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'; Dan Nelson <Dan.Nelson@sldmwa.org>; Ara.azhderian@sldmwa.org; Philip Williams; Craig Manson

Subject: LA Times on WWD

Amid California's drought, a bruising battle for cheap water



Panoche Creek

Brian van der Brug

Walter Swain, a retired U.S. Geological Survey scientist, walks along the dry, salt-encrusted stream bed of Panoche Creek in June. For eons storm runoff washed salts, selenium and boron into the creek, making Westlands California's selenium hot spot.

Walter Swain, a retired U.S. Geological Survey scientist, walks along the dry, salt-encrusted stream bed of Panoche Creek in June. For eons storm runoff washed salts, selenium and boron into the creek, making Westlands California's selenium hot spot. (Brian van der Brug)

By [BETTINA BOXALL](#) contact the reporter

Environmental IssuesEnvironmental ScienceLaws and LegislationAgricultureScientific ResearchDianne FeinsteinBarack Obama
Westlands Water District hopes a larger water allotment, repurposing land will pull the dust bowl out of debt
Westlands is carved out of a region so parched it was long considered uninhabitable desert

The signs appear about 200 miles north of Los Angeles, tacked onto old farm wagons parked along quiet two-lane roads and bustling Interstate 5.

"Congress Created Dust Bowl." "Stop the Politicians' Water Crisis." "No Water No Jobs."

They dot the Westlands Water District like angry salutations, marking the territory of California's most formidable water warrior. Their message is clear: Politicians and environmental laws are more to blame for Westlands' dusty brown fields than the drought that has parched California for the last three years.

In truth, neither is to blame for Westlands' woes so much as the simple fact that the nation's largest irrigation district is in the wrong place.

In a state where three-quarters of the water use is by agriculture, powerful farm districts such as Westlands play an outsized role in the rough-and-tumble world of water politics.



CAPTION Receding shoreline

Brian van der Brug

Waters along the receding shoreline of the San Luis Reservoir near Los Banos, Calif., create a clamshell pattern. The reservoir is part of the Central Valley Project and holds water supplies for the Westlands Water District.

Waters along the receding shoreline of the San Luis Reservoir near Los Banos, Calif., create a clamshell pattern. The reservoir is part of the Central Valley Project and holds water supplies for the Westlands Water District. (Brian van der Brug)

[See more galleries](#)



CAPTIONPanoche Creek

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(Brian van der Brug)

[See more galleries](#)



CAPTIONS San Luis Reservoir

Brian van der Brug

In 1960, President Eisenhower signed legislation expanding the Central Valley Project to the west side of the San Joaquin Valley. The San Luis Reservoir, which stores water for the Westlands Water District, was built as part of that expansion.

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[See more galleries](#)



CAPTIONCoyote paw print

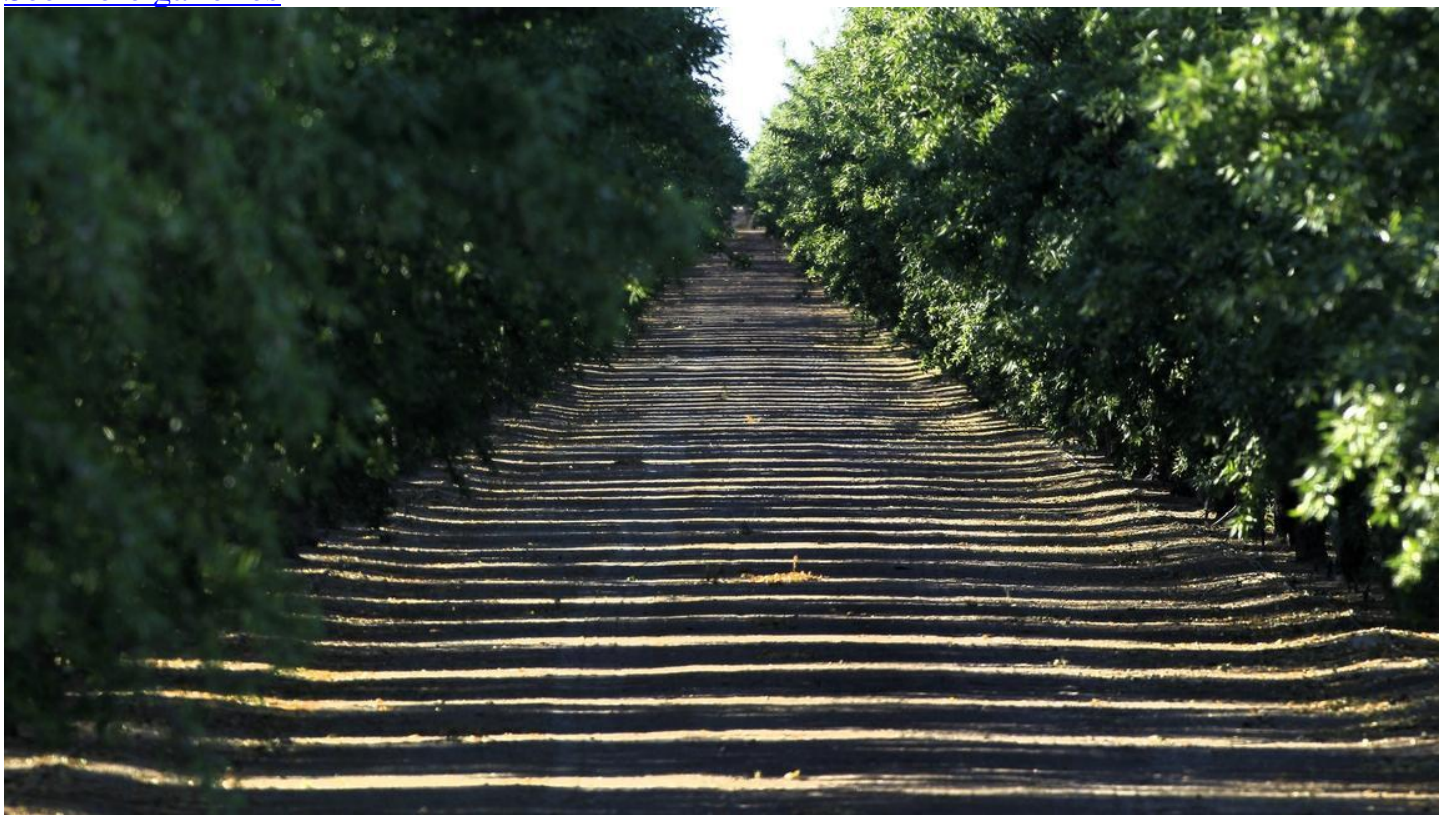
Brian van der Brug

A coyote's paw print along the dry, salt-encrusted stream bed of Panoche Creek.

A coyote's paw print along the dry, salt-encrusted stream bed of Panoche Creek.

(Brian van der Brug)

[See more galleries](#)



CAPTIONAlmond trees

Brian van der Brug

Even in the drought, almond and pistachio groves and fields of melons, tomatoes and onions go on and on in the Westlands Water District. With an unprecedented zero allocation of federal water this year, growers kept two-thirds of the district green by pumping groundwater and buying supplies.

Even in the drought, almond and pistachio groves and fields of melons, tomatoes and onions go on and on in the Westlands Water District. With an unprecedented zero allocation of federal water this year, growers kept two-thirds of the district green by pumping groundwater and buying supplies. (Brian van der Brug)

[See more galleries](#)

Westlands and its wealthy farmers are exercising their considerable clout to maintain a flow of cheap water from the north despite a harsh truth. In all of California, there may be no worse place to practice the kind of industrial-scale irrigated agriculture that Westlands is famous for than the badly drained, salt-laden lands that make up roughly half the district.

Westlands has persevered for decades by battling other farmers for supplies, repeatedly suing the U.S. government and spending millions of dollars trying to roll back environmental restrictions on water deliveries — all while planting lucrative nut crops that can't survive a season without water.

Now it is a driving force behind the most ambitious water project proposed in California in decades, the \$25-billion plan to send Sacramento River supplies south to Westlands and elsewhere through two giant water tunnels burrowed under the Sacramento-San Joaquin Delta.

The water would help Westlands for a time. But the expensive tunnels would merely delay the inevitable: The more Westlands is irrigated, the more its land will be ruined.

::

The district is roughly twice the size of Los Angeles, stretching like a crooked finger for some 70 miles along the San Joaquin Valley's sun-blasted west side.

Carved out of a region so parched it was long considered uninhabitable desert, Westlands was formed in 1952 by a group of landowners desperate for new water supplies.

They were pumping so much groundwater to irrigate crops that west-side fields were sinking like a partially baked cake. Well drillers were burrowing down more than 2,000 feet to reach steady flows. The cost of the deepest wells had hit \$75,000.

It's a whole sequence of events culminating with irrigation and drainage. Decisions were made to use land totally unsuited for that purpose.- Walter Swain, scientist with the U.S. Geological Survey

The politically connected growers decided their salvation would be to get Congress to extend the Central Valley Project, the huge federal irrigation system that serves California, to the west

side. President Dwight Eisenhower signed authorizing legislation for the expansion in 1960, and major deliveries from the delta, more than 150 miles to the north, started spilling into district canals eight years later.

A public agency governed by landowners within its borders, Westlands has an annual budget of more than \$100 million and 111 employees. It contracts with the U.S. Bureau of Reclamation for taxpayer-subsidized irrigation supplies, which it sells to growers.

The sheer size of that contract reflects agriculture's hold on California water supplies. The 600,000-acre, thinly populated irrigation district is entitled to more than 1.1-million acre feet of water annually — or roughly twice what the nearly 4 million residents of Los Angeles use in a year.

A half-century ago, boosters predicted that thousands of small family farms would blossom with the arrival of federal water. That vision never materialized. The few scruffy little towns within Westlands' borders struggle with chronically high unemployment and poverty.

Large tracts were broken up to meet federal acreage limits on the delivery of taxpayer-subsidized water, but the cropland was often spread among extended family members and their trusts. Though Westlands at various times has said it serves 600 or 700 farms, University of California researchers in 2011 found that there were 350 farm networks "grouped by common ownership."

Growers include some of the powerhouses of California agribusiness. Harris Farms Inc., Woolf Enterprises, Tanimura & Antle and other operations have made the district a highly efficient food factory that produces more than \$1 billion of crops a year.

Even in this year of withering drought, the almond and pistachio trees and fields of melons, tomatoes and onions go on and on, broken only by an occasional cluster of farm buildings. With an unprecedented zero allocation of federal water, growers kept two-thirds of Westlands green by pumping groundwater and buying supplies from other districts.

In the complicated world of federal water deliveries, the west side of the San Joaquin Valley is among the first in line for cuts, whether due to drought or fish and wildlife protections that restrict deliveries from the Sacramento-San Joaquin Delta. Since 1993, Westlands has gotten its full water allotment only three times.

"They're taking our water ... in the name of helping fish. It hasn't worked," Westlands Chief Deputy General Manager Jason Peltier lamented last year at a Los Angeles public forum.

Growers served by Westlands boast that they have adjusted to shrinking supplies by adopting highly efficient irrigation practices. But they are also planting more profitable, permanent crops, leaving farms increasingly vulnerable to water shortages. District records show that the amount of almond and pistachio acreage has jumped sevenfold in the last two decades.

"It's the lemmings rushing over the cliff," said Tom Zuckerman, an attorney, delta landowner and veteran of state water politics. "They're painting themselves into an increasingly small corner."

Westlands' strength comes via its political savvy. Peltier, who helped shape the Department of the Interior's water policy under President George W. Bush, is one of several former federal officials who fill out Westlands' well-paid management.

The district's general counsel, Craig Manson, served as an assistant U.S. Interior secretary under Bush. Before going to work for Westlands, Deputy General Manager Sue Ramos was an assistant regional director for the Reclamation Bureau.

Their boss, General Manager Tom Birmingham, who helped forge Westlands' aggressive reputation, declined to be interviewed for this article. In 2012, he was paid nearly \$367,000, according to the state controller's office.

A few years ago Birmingham and former board president Jean Sagouspe stormed out of a Washington meeting with high-ranking U.S. Interior and state officials after complaining about the work of federal biologists who were critiquing the delta tunnel proposal. One person in attendance likened the incident to Nikita Khrushchev's shoe-thumping during a Cold War debate at the United Nations.

Last year, Westlands grower Mark Borba was forced to resign as chairman of a San Joaquin Valley hospital system after the Fresno Bee newspaper published an email exchange with Birmingham in which Borba referred to President Obama as "Blackie" and harangued Sen. Dianne Feinstein (D-Calif.) and the Obama administration for not doing more to increase water deliveries.



Daniel Kim

Brian van der Brug

Standing on a retired Westlands Water District parcel, Daniel Kim reflects the sun off his iPad in June. His company, Anthem Group, hopes to develop a solar project on the land that was once farmed.

Standing on a retired Westlands Water District parcel, Daniel Kim reflects the sun off his iPad in June. His company, Anthem Group, hopes to develop a solar project on the land that was once farmed. (Brian van der Brug)

Westlands' powerplays have periodically angered Feinstein, but she usually lends Birmingham and the board a sympathetic ear. In the email string, Birmingham assured Borba "that I have been working very closely with Senator Feinstein's office.... Senator Feinstein and her staff have been pushing Interior and Reclamation behind the scenes." This year Feinstein has been negotiating federal drought legislation that would, among other things, make it easier for Westlands to ship water through the delta that it has purchased from other districts.

In what critics complain is the latest example of the district's political influence, the Reclamation Bureau is proposing to let Westlands off the hook for \$360 million it still owes U.S. taxpayers for construction of its portion of the Central Valley Project. The move would be part of a deal to resolve a lingering legal fight over the broad swath of the district that is badly drained and laced with salts.

::

The dry bottom of Panoche Creek crunched beneath Walt Swain's feet. Crusted in white sodium sulfate, the creek bed resembled a giant ribbon of salt cod strung across the rumpled hills that rise on the other side of I-5 from Westlands.

It has been nearly 30 years since Swain first scoured this harsh country, hunting for the origins of an environmental horror story.

In the early 1980s, grotesque deformities appeared in waterfowl that had nested in Kesterson National Wildlife Refuge ponds that were filled with wastewater from Westlands. The coots, grebes and ducks had been poisoned by toxic levels of selenium, a naturally occurring trace element harmful to wildlife but not to crops, that entered the refuge food chain from water drained from beneath Westlands' fields.

Swain and other scientists with the U.S. Geological Survey found the ultimate source in the ancient sediments of the coast ranges.

For eons storm runoff had washed salts, selenium and another trace element, boron, into Panoche Creek, depositing them on land that spreads across Westlands' northern half. There they built up in the soil over millennia, making Westlands California's selenium hot spot.

Irrigation raised the groundwater table and stirred up what UC Davis plant scientist Stephen Grattan called the "monster that lurked below."



Almond trees
Brian van der Brug

Even in the drought, almond and pistachio groves and fields of melons, tomatoes and onions go on and on in the Westlands Water District. With an unprecedented zero allocation of federal water this year, growers kept two-thirds of the district green by pumping groundwater and buying supplies.

Even in the drought, almond and pistachio groves and fields of melons, tomatoes and onions go on and on in the Westlands Water District. With an unprecedented zero allocation of federal water this year, growers kept two-thirds of the district green by pumping groundwater and buying supplies. (Brian van der Brug)

To keep the damaging salts and boron out of the crop root zone, growers installed subterranean drains and pumped the water into a government drain that was originally intended to run all the way to the delta.

But it stopped at Kesterson for lack of money and because of concerns about discharging agricultural wastewater into the delta.

After discovery of the Kesterson deformities, the drain was closed.

Today, it is choked with dirt and matted weeds and posted with fading "No Swimming" signs. The Kesterson ponds are buried beneath 18 inches of dirt.

"It's a whole sequence of events culminating with irrigation and drainage," said Swain, who is now retired. "Decisions were made to use land totally unsuited for that purpose."

Since then growers have blended the low-quality groundwater with imported supplies for irrigation. But they can't stop the inexorable buildup of salts that will ultimately doom the cropland.

In the eastern half of Westlands, empty fields, growing nothing but scattered tumbleweeds, stretch for miles. To settle drainage and water rights disputes with growers, Westlands has purchased roughly 100,000 acres from farmers, taken some of the salted-up land out of production and left the rest unplanted in dry years.

Now it is planning a different kind of crop: Thousands of solar panels would sprout in the district's southeast corner in a 24,000-acre solar park that Westlands is proposing to develop with the Anthem Group and several landowners.

"This is a solution that is inevitable and allows them to exit farming these lands that become more and more marginal year after year," company executive Daniel Kim said.

Under the proposed settlement with the Reclamation Bureau, the government would lift limits on the size of farms eligible for subsidized water and relieve Westlands of its outstanding repayment obligation. In exchange, the government would be relieved of its obligation to provide drainage.

The district would permanently retire the 100,000 acres and assume responsibilities for drainage on the rest of the problem land. It would also agree to a cap on water deliveries that amounts to 75% of its contract amount — still far more than it has gotten in recent years.

Westlands is "never going to do the drainage," contended Rep. George Miller (D-Martinez), who has spent much of his congressional career battling Westlands. "They're going to put [the land] into solar or whatever they want to do. They're just squeezing the government."

From: joe.findaro@akerman.com
Sent: Thursday, October 23, 2014 1:39 PM
To: jpeltier@westlandswater.org
Subject: Fwd: just in time for lame duck session a study paid for by our friends at NRDC

Begin forwarded message:

From: Dennis Nuxoll <dnuxoll@WGA.COM>
Date: October 23, 2014 at 3:38:48 PM EDT
To: "'Bernhardt, David L.'" <DBernhardt@BHFS.com>, "'Anne MacMillan (amacmillan@roll.com)'" <amacmillan@roll.com>, 'Nancy Williams' <nwilliams@swaconsult.com>, 'Joe Raeder' <JRaeder@tfgnet.com>, "'joe.findaro@akerman.com'" <joe.findaro@akerman.com>
Subject: just in time for lame duck session a study paid for by our friends at NRDC

<http://www.capradio.org/articles/2014/10/22/study-181-california-dams-key-for-fish-survival/>

vCard | Bio



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From: Tom Birmingham
Sent: Wednesday, October 29, 2014 8:18 AM
To: 'Watts, John (Feinstein)'
CC: 'David Bernhardt'
Subject: Restoration Fund Payments

John,

As you requested, I drafted the following:

For a period of ten years following the date of enactment of this Act, water made available to any exchange or settlement contractor that receives water from the Delta Division or the San Luis Unit of the Central Valley Project shall be subject to payments collected pursuant to section 3407 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4____), which shall be collected from water service and repayment contractors within the Central Valley Project as an operations and maintenance charge.

Tom

From: Tom Birmingham
Sent: Wednesday, October 29, 2014 12:22 PM
To: 'Watts, John (Feinstein)'
CC: 'David Bernhardt'
Subject: RE: Restoration Fund Payments

The discussion was productive. I drafted some revised language and we are talking again at 12:30 Pacific time.

From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]
Sent: Wednesday, October 29, 2014 12:17 PM
To: 'Tom Birmingham'
Cc: 'David Bernhardt'
Subject: RE: Restoration Fund Payments

Got it, thanks.

How did your call with Melissa and Brent go? I called Melissa this morning, and she mentioned you were talking.

From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]
Sent: Wednesday, October 29, 2014 2:43 PM
To: Watts, John (Feinstein)
Cc: 'David Bernhardt'
Subject: RE: Restoration Fund Payments

John,

I did not deliberately omit the language on payments from SWP contractors; I simply forgot. I suggest the following at the end of the language I drafted:

The collection of restoration fund payments collected from Central Valley Project water service or repayment contractors shall be reduced by such sums as voluntarily contributed by any contractor that receives water from the State Water Project.

Tom

From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]
Sent: Wednesday, October 29, 2014 9:14 AM
To: 'Tom Birmingham'
Cc: 'David Bernhardt'
Subject: RE: Restoration Fund Payments

Tom, Thanks. We had discussed including language to reduce the level of the fee to CVP Contractors to the degree that SWP contractors contributed to the implementation of this Act. Did you deliberately drop this part of the language? If not, do you have a suggestion for how to draft a subsection (b) to this language that could address SWP contractor contributions?

From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]
Sent: Wednesday, October 29, 2014 11:18 AM
To: Watts, John (Feinstein)

Cc: 'David Bernhardt'

Subject: Restoration Fund Payments

John,

As you requested, I drafted the following:

For a period of ten years following the date of enactment of this Act, water made available to any exchange or settlement contractor that receives water from the Delta Division or the San Luis Unit of the Central Valley Project shall be subject to payments collected pursuant to section 3407 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4____), which shall be collected from water service and repayment contractors within the Central Valley Project as an operations and maintenance charge.

Tom

Subject: Conference call regarding issues associated with the ongoing CA drought

Location:Dial In:800-████-██████ code █████

Start:10/31/2014 10:00 AM

End:10/31/2014 10:30 AM

Show Time As:Tentative

Recurrence:(none)

Meeting Status:Not yet responded

Organizer:Bernhardt, David L.

Required Attendees:Thomas W. Birmingham (tbirmingham@westlandswater.org);

Kiel.Weaver@mail.house.gov; 'Nelson, Damon'

Resources:Dial In:800-████-██████ code █████

A conference call to discuss issues related to the CA drought.Tom B is host.

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From: Jason Peltier

Sent: Friday, October 31, 2014 9:29 AM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'David Bernhardt'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Joe Findaro'; 'MargaretAnn Corbett'; 'Mike Burns'; 'Susan Ramos'; 'T Birmingham (tbirmingham@westlandswater.org)'; 'Dennis Cardoza'; 'James Watson'; 'Dan Pope

Subject: DWR Release and two articles from yesterday.

NEWS FOR IMMEDIATE RELEASE

October 30, 2014

Ted Thomas, Information Officer – (916) 653-9712

Ted.Thomas@water.ca.gov

Doug Carlson, Information Officer – (916) 653-5114

Paul.Carlson@water.ca.gov

DWR-led Process Updates California's Strategic Water Roadmap

Highlights and Initial Volumes Released

SACRAMENTO – The California Department of Water Resources (DWR) today released the Highlights booklet and initial volumes of the latest edition of the California Water Plan, which since 1957 has guided the State's water resource management and planning. Update 2013 of the California Water Plan is State government's strategic plan for understanding, managing and developing water resources statewide for current and future generations.

Prepared over the past five years with the involvement of dozens of State and federal agencies and hundreds of stakeholders from diverse communities, it sets forth a suite of actions that together would improve the resilience and sustainability of our regional water resources into the future. The multi-volume plan also serves as a compendium of facts about where California gets its water, how it is used, who pays for it, and the many risks and opportunities of our complex, interconnected water management system.

"California's complex water system features federal and state water projects, hundreds of local water districts, large coastal cities, and vast tracts of farmland," said California Department of Water Resources Director Mark Cowin. "Our landscape varies from temperate rainforest to desert, and our water sources stretch from California's snowcapped mountains and substantial groundwater aquifers, to the Colorado River, to stormwater capture and recycled wastewater. To manage our water wisely, Californians need a shared understanding of our challenges and a vision for the future. The California Water Plan Update 2013 delivers that and creates a path forward."

Update 2013 advances the Governor's Water Action Plan, released by the administration of Governor Edmund G. Brown Jr. in January 2014. The governor's five-year plan sets forth 10 priority actions to meet urgent needs and set the foundation for sustainable management of California's water resources. The California Water Plan Update 2013 plans to the year 2050. There are 17 cross-cutting objectives and over 300 specific actions to reinforce the implementation of the Governor's Water Action Plan. The goals of that Plan are to make conservation a way of life, provide safe drinking water and expand water storage capacity, improve public safety and secure wastewater systems for all communities, and foster environmental stewardship.

"The extreme drought gripping so much of California reminds us of the importance of this plan," said California Natural Resources Secretary John Laird. "Three years of dry weather are enough to force farmers to fallow hundreds of square miles of fields, leave some small communities with dry taps, and jeopardize cold-water fish species. Clearly, we cannot take our water resources for granted. To meet the needs of a state as ecologically,

economically, and geographically diverse as California takes collaboration and planning on the scale of DWR's California Water Plan Update 2013."

Three related themes distinguish California Water Plan Update 2013. First, the plan emphasizes the accomplishments and great potential of integrated water management to achieve social, environmental and economic benefits within California's interconnected water systems. This approach requires working across governmental and jurisdictional boundaries to achieve multiple benefits – such as flood management, habitat restoration, and groundwater recharge – and increases the return on public investments in our water systems.

Second, Update 2013 calls for better alignment of how government manages data, plans, establishes policy, prioritizes and administers public funding, and regulates our large, complex and decentralized water systems. Better communication and collaboration are needed among water managers and land use planners to work across jurisdictional silos and find scalable, regionally-appropriate solutions reflecting California's regional diversity. Update 2013 represents a significant step toward State agency alignment by incorporating nearly 40 separate State agency companion plans, as well as the voices of hundreds of interested parties representing farmers, builders, planners, business, tribes, and water managers at all levels of government.

The third Update 2013 theme focuses on the need for stable, effective funding sources to invest in water innovation and infrastructure (natural and built). With much of California's water supply and flood protection infrastructure aging and outdated, inadequate and unstable funding has put our water systems at greater risk. Local entities – such as water and flood districts, counties, cities, and utilities – already spend about \$18 billion a year on water, matched by roughly \$2 billion annually from the State and federal governments – a significant portion of which goes for operation and maintenance, not new infrastructure. Update 2013 explains why it will take hundreds of billions of dollars of additional investments over the next few decades to reduce flood risk, provide reliable and clean water supplies, recover overdrafted groundwater basins, and restore degraded ecosystems – in other words, to achieve sustainable water management. Update 2013 includes a new finance planning framework and describes potential revenue sources including federal grants and loans, general obligation bonds, revenue bonds, assessment districts, rate-payer, user and impact fees, private investments, public-private partnerships, and more.

Update 2013 delivers a water roadmap for decision-makers, resource managers and water users including: how water is developed and used; in-depth summaries of over 30 water/resource management strategies available throughout California; a snapshot of regional water conditions, initiatives and opportunities in 12 regional reports; a range of future water and climate change scenarios, and more.

Released today are the Highlights booklet and initial volumes of Update 2013 "Investing in Innovation and Infrastructure," -- Volume 1 Strategic Plan, Volume 3 Resource Management Strategies, and the first set of 12 regional reports (Volume 2). During the fall, DWR will release the other regional reports; and this winter, the Reference Guide (Volume 4) and Technical Guide (Volume 5), a compendium of research articles and documentation, furthering public access and transparency.

Secretary Laird's message, Director Cowin's message, the Water Plan Update Highlights booklet, initial volumes and Water Plan map library are posted here:

<http://www.waterplan.water.ca.gov/cwpu2013/final/>.

Many Update 2013 topics and outreach events will be featured in the weekly Water Plan eNews electronic newsletter. To subscribe to the eNews, visit here:

https://listserv.state.ca.gov/wa.exe?SUBED1=DWR_CWP_eNews&A=1

California eyes \$500 billion in water spending

By Associated Press October 30 at 7:42 PM

SAN FRANCISCO — California's growing population and dwindling water require up to \$500 billion in additional investment in water in coming decades, and new state fees for water users could be one way pay for it, a water plan released Thursday by the state's top water officials said.

John Laird, California secretary of natural resources, and Mark Cowin, head of the water resources department, spoke to reporters via telephone to mark the release of the plan, the latest update in more than a half-century of outlines for managing California's water.

The plan looks as far ahead as 2050, spanning a period when California will be dealing with everything from shrinking snowpack, rising seas and encroaching salinity in waterways to more frequent droughts under climate change.

The plan envisions growing cities increasingly taking more water, farmers using less, and water costing more in general. It shouldn't be a surprise, Cowin said, that water is going to cost more for Californians in the future.

Broadly, the plan calls for greater coordination among state, federal and local agencies that make decisions affecting water supplies, for streamlining government decision-making on water issues, and for greater investment, including conservation and storage.

Currently, governments spend about \$20 billion annually on California's water supply, or \$200 billion over 10 years, said Kamyar Guivetchi, head of integrated water management for the Department of Water Resources.

State officials are calling for another \$500 billion in coming decades. That includes \$100 billion in flood-control projects and \$400 billion to fund a wide range of projects proposed by different regions of the state, Guivetchi said.

State officials gave almost no details Thursday on specific projects. The written plan, however, includes an existing, \$25 billion proposal backed by Gov. Jerry Brown to build two, 30-mile tunnels to divert part of the Sacramento River for use by water agencies.

Brown's administration left the controversial tunnel project out of a \$7.5 billion water bond proposal going before state voters on Tuesday.

The water plan released Thursday emphasizes securing more stable funding for water projects. It suggests an unspecified state water fee on water users as one possible source of additional funding.

- **ARTICLE**
- **COMMENTS (1)**
- **SLIDESHOW**

Californians will pay more for water, must still conserve: officials

BY SHARON BERNSTEIN

SACRAMENTO Calif. Thu Oct 30, 2014 7:07pm EDT

SACRAMENTO Calif. (Reuters) - Californians face higher water prices and permanent conservation measures amid drought, global warming and population growth in a state that has long struggled to satisfy urban and agricultural needs, the administration of Governor Jerry Brown said Thursday.

It will take up to \$500 billion to improve the state's water infrastructure to improve supplies, reduce flood risk and shore up the fragile ecosystems that provide water for people, farms and wildlife, the state's top natural resources officials said in a long-awaited update to California's water plan.

"Water is going to cost more for Californians in the future," said Mark Cowin, director of the state department of water resources, in a conference call with reporters on Thursday. "That's a reality we're all going to have to get used to."

California is in its third year of a catastrophic drought that has dried up wells and forced farmers to leave fields fallow.

But the state has long struggled to meet the water needs of thirsty cities and its mammoth agricultural sector, prompting a century of political fights between the wetter north and the drier south.

A proposal to spend \$7.5 billion on reservoirs, underground storage and other water-related infrastructure was caught in partisan bickering for nearly a year before lawmakers agreed to put it on next week's election ballot. Republicans argue for more funding for reservoirs while Democrats say damming rivers and flooding canyons would damage the environment.

The state first developed a plan to manage limited water resources in 1957, updating it roughly every five years since then. The latest version focuses on ways to build and pay for improvements to the state's sagging infrastructure, including dams and reservoirs, as well as investments in new technology such as desalination plants and wastewater recycling.

The plan also makes conservation a priority, reinforcing a 2009 plan to reduce statewide per capita water consumption by 20 percent by 2020. It calls for spending on public awareness campaigns, research into water-use efficiency and alternative water supplies, and improved irrigation techniques.

"When the first plan was done in 1957, we had less than half the people in California than we have now," said Secretary of Natural Resources John Laird. "We did not have the impacts of climate change that we do now, and we did not have the pressure to make water conservation a way of life."

From: Gayle Holman

Sent: Friday, October 31, 2014 9:29 AM

To: 'Karen Clark'; 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'; Denny Rehberg; 'Tom Birmingham'

Subject: LA Times Op-ed Response to Bettina Boxall Article

{Here is the LA Times op-ed response we submitted earlier this week regarding the Bettina Boxall article. This has not been published as yet **so please limit distribution**. Thank you.}

WESTLANDS RESPONSE TO LA TIMES BOXALL ARTICLE
{of October 21, 2014 "Amid California's Drought..."}
By Don Peracchi, President of Westlands Water District

As the largest public irrigation district in the United States, Westlands Water District draws a lot of attention as well as the criticism that sometimes comes with its successes. This year, one of its most persistent critics, George Miller, is retiring after 40 years in Congress, and to mark the occasion, the Times' recently unpacked a trunkload of his oft-repeated complaints and concerns about the District.

Some parts of this catalog identify serious issues that were long ago resolved. Others involve legitimate problems which we are still trying to address. And, like many things involving California water, a few are pure, political invention.

The article's fundamental charge is that Westlands is simply "in the wrong place." One might make the same complaint about dredging natural marshes in California's Delta to grow crops in the middle of a saline estuary. Or attack the folly of installing vast farms on the desert lands of the Coachella and Imperial valleys. Or stranger still, decry building a great city on the arid plain where Los Angeles now stands. The point is, these endeavors and dozens more helped to create the prosperity of California by linking our communities together with a modern water system.

The reality is that Westlands is in the ideal place. Indeed, the Central Valley of California occupies the only Mediterranean climate in North America. Weather conditions, rich soils, and the arrival of water in the mid-1960s, have transformed the area into the most productive farming region in America. The communities that have grown there as a result, the thousands of businesses and tens of thousands of people whose livelihoods depend upon agricultural productivity, are not "in the wrong place." They are at home.

The most persistent criticism of Westlands' role in this transformation has to do with the influence of "corporate agriculture." That may remain a concern for some parts of California, but not in Westlands or any of the other farming region served by the federal Central Valley Project. When Westlands was created in 1952, major industrial interests, including Standard Oil of California and Southern Pacific Railroad, did indeed own large tracts of land within its water service area.

But that ended in 1982 with the passage of Congressman Miller's Reclamation Reform Act. That act redefined the qualifications for receiving water from a federal reclamation project; as a result, large corporate entities sold out, the large tracts were broken up, and today in Westlands there are nearly 2,250 landowners and the average farm size is 710 acres. "Corporate agriculture" has lost its meaning. Any corporate structure for today's family farmers in Westlands is likely to have a mom as its vice president and her child as its treasurer.

Water use remains a constant concern for our farmers. That's why farmers in Westlands have invested more than \$1 billion in water saving techniques and technology. Indeed, even Westlands' harshest critics have acknowledged that the men and women who today farm in Westlands are among the most efficient users of irrigation water in the world. Westlands is a leader in water conservation, and agricultural experts from all over the world come to the District to learn

how its farmers are able to accomplish so much with the limited, and often uncertain, water supplies they have to work with.

Our interest in water use efficiency has become even more important in the 22 years since Congressman Miller's Central Valley Project Improvement Act, and a host of new regulatory restrictions redirected more than a third of the water that cities and farms used to receive from the federal project, dedicating it instead to serve a wide range of new environmental purposes. Today, on an annual basis, the federal project manages more than 1.5 million acre-feet of water for fishery flow, waterfowl habitat, to protect listed species, and other environmental uses.

In hopes of restoring reliability to the water system as a whole, Westlands is working with the Metropolitan Water District of Southern California and other public water agencies throughout the state to support Governor Brown's Bay Delta Conservation Plan.

Drainage was a major issue on the westside of the San Joaquin Valley for decades before Westlands' creation. That is why when Congress authorized the construction of the San Luis Unit of the Central Valley Project, it mandated that the Bureau of Reclamation provide Westlands with both a water supply and a drainage system. Initially federal officials planned to dispose of the drain water in the Delta. But Congress stopped that project when the drain being built by Reclamation reached Kesterson, and it was Washington as well that decided to designate this new terminus for agricultural waste as a wildlife refuge.

The resulting biological catastrophe should have been predictable. In the years since, the drainage system in Westlands has been plugged, and not a drop of drain water has left Westlands after 1986. Instead, Westlands has helped to fund the development of new methods for recycling drain water. And it has taken nearly 100,000 acres of the most vulnerable farmland out of production. Some of those lands are being converted to solar power development, with the support of numerous environmental organizations.

The drainage problem, however, persists. Federal courts, including the Ninth Circuit Court of Appeals, have repeatedly ordered that federal officials fulfill their obligation to provide drainage. But even though Westlands farmers pay every year for drainage service, the government has done nothing to resolve the problem in Westlands. And the government is facing a mandatory injunction, which it estimates will cost more than \$2.7 billion to satisfy.

To avoid that cost, the government approached Westlands to assume the responsibility to manage drainage water within its boundaries. In addition, Westlands would compensate those landowners who have been damaged by the government's failure to act. As part of a settlement, which is not yet final, Westlands would receive some financial consideration, albeit significantly less than the cost of performing the obligations that Westlands would assume. But there is nothing secret about either the negotiations or the proposed settlement. In fact, federal officials and Westlands have briefed interested Members of Congress and non-governmental organizations on the proposal. And there is no process that is more public than the process that federal officials and Westlands will have to pursue to obtain the congressional authorization needed to implement the proposed settlement.

We remain hopeful that these ideas can still form the basis for a long-term resolution of the drainage debate. This would put an end to more than fifty years of litigation, relieve the federal taxpayers of a substantial obligation, and enable us to move forward with an environmentally sustainable approach to the problem.

Whether that happy outcome would also put an end to the criticism of Westlands, however, is not for us to say.

###

Word Count: 1128

Don Peracchi was born in Fresno, California to second generation Northern Italian immigrants. His family has lived and worked in Central California over 100 years. He has been farming since 1982 alongside his two sons and daughter in

Westlands. He has been involved in career-related board positions including banking, insurance, agriculture and water. He currently is the Board President of Westlands Water District.

Gayle

Gayle Holman
Public Affairs Representative
Westlands Water District
3130 N. Fresno Street
P.O. Box 6056
Fresno, CA 93703-6056
(559) 241-6233 (direct)
(559) [REDACTED] (cell)
(559) 241-6277 (fax)
gholman@westlandswater.org

From: Weaver, Kiel

Sent: Tuesday, November 4, 2014 2:45 PM

To: Brent Walthall (bwalthall@kcwa.com); 'Ronald D. Jacobsma'; 'Stuart Somach'; Birmingham, Thomas (tbirmingham@westlandswater.org); David Bernhardt; 'mitchbutler@naturalresourceresults.com'; 'jbuckman@friantwater.org'; Tom Berliner; 'Steve Chedester'; 'towater@olaughlinparis.com'; [REDACTED]@[REDACTED].[REDACTED]

CC: Lombardi, Kyle; Marklund, Chris; Nelson, Damon; Wong, Bryson; Larrabee, Jason; Tudor, Chris; Eastman, Kevin; Berenter, Alexandra

Subject: Request for November 5 Conference call on CA water provisions

Attachments: Title V Edits.pdf

All,

Some of us House Republicans are in discussions about the attached text and what is proposed below to be an addition to the attached text.

As you can likely guess, time is of the essence in these discussions. Since you are the experts on the ground, can we do a conference call at 1pm DC time tomorrow, Wednesday, November 5, to discuss? I realize this is very last minute, but this is important so if you could join on the conference call, it would be really helpful.

The call in number is 877-913-7037, passcode is 8925817. Will send an invite shortly.

(a) In General.--Subject to the absolute priority of the Sacramento River Settlement Contractors to Sacramento River supplies over Central Valley Project diversions and the United States obligation to make a substitute supply of water available to the San Joaquin River Exchange Contractors and other south-of-Delta settlement contractors, the Secretary is directed, in the operation of the Central Valley Project, to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors as prescribed below:

(1) The first 300,000 acre feet of CVP water available for allocation to CVP Agricultural water service contractors will be allocated proportionately and concurrently as follows: One acre foot to North of Delta Ag WSCs, Two acre feet to South of Delta Ag WSCs

(2) The next 400,000 acre feet of CVP water available for allocation to CVP Agricultural water service contractors will be allocated proportionately and concurrently as follows: One acre foot to North of Delta Ag WSCs, Three acre feet to South of Delta Ag WSCs

(3) All additional quantities of CVP water available for allocation to CVP Agricultural water service contractors will be allocated proportionately and concurrently as follows: One acre foot to North of Delta Ag WSCs, Four acre feet to South Delta Ag WSCs, up to the contract total.

(b) Definitions.--In this section:

(1) The term ``existing Central Valley Project agricultural water service contractors'' means all agricultural water service contractors within the CVP, both North and South of the Delta, that have a water service contract in effect, on the date of the enactment of this section, that provides water for the purpose of irrigation.

(c) If any environmental, water quality, or any other regulatory or statutory requirement impacts the ability to convey water to South of the Delta Ag WSCs in accordance with the allocation methodology prescribed in Section (a), nothing herein will prevent additional quantities of water available for allocation to CVP Ag WSCs to be delivered to North of Delta Ag Water Service Contractors, over and above the amounts prescribed in Section (a), up to the maximum quantity provided for in the water service contracts held by the North of Delta Ag Water Service Contractors.

[With this approach, I don't think we would still need the old section (b) addressing American River Division and M & I Shortage policy language, but I would have no objection if it needed to be added].

Deliveries under this language would occur at the following ratios:

	NOD AF	NOD %	SOD AF	SOD %
Totals	371,000 *	100%	1,942,000*	100%
First 300K AF (1N, 2S)	100K	27%	200K	10.3%
Next 400K (1N, 3S)	200K	54%	500K	26%
Next 500K (1N, 4S)	300K	81%	900K	46%
[after this, all goes SOD]	371K	100%	1.184M	61%

* = Total Contract amounts for NOD Ag WSCs and SOD Ag WSCs

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(B) units of the National Wildlife Refuge System;

(C) State wildlife areas; and

(D) private wetland areas.

(2) REQUIREMENTS.—A cooperative agreement under this subsection shall—

(A) include the purchase of storage capacity in non-Federal facilities from willing sellers; and

(B) provide reimbursement for the temporary use of available capacity in existing above-ground, off-stream storage and associated conveyance facilities owned by local water agencies.

(b) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Chief of the National Wildlife Refuge System and contractors of the Central Valley Project a report describing the feasibility of the agreement for long-term use described in subsection (a)(1).

TITLE V—WATER RIGHTS PROTECTIONS

SEC. 501. PROTECTIONS FOR STATE WATER PROJECT CONTRACTORS.

If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(a) revokes the consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

(b) amends or issues one or more a new consistency determinations pursuant to California Fish and Game Code section 2080.1 in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion; or

~~(c)~~ (c) requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion, and as a consequence, there is an increase in Central Valley Project yield, any such increase shall be shared equally with the State Water Project. Prior to implementing this Act, the Secretary shall request written notification from the California Department of Fish and Wildlife indicating whether implementation of this Act will affect the status of consistency determinations for operation of the State Water Project.

~~then, the water supply benefits of such action by the California Department of Fish and Wildlife accruing to the Central Valley Project, if any, shall be shared equally with the State Water Project.~~

SEC. 502. AREA OF ORIGIN PROTECTIONS.

~~(a)~~ The Secretary of the Interior (Secretary) is directed in the operation of the Central Valley

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Project (CVP) to adhere to California's water rights laws governing water rights priorities ~~by honoring water rights senior to those held by the United States for operation of the CVP, regardless of the source of priority,~~ including any appropriate water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2. Article 1.7 (commencing with section 1215 of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462 and 11463, and Sections 12200 to 12220, inclusive).

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~~(b) Any action that requires that diversions be bypassed or that involves the release of water from any CVP water storage facility taken by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.) shall be applied in a manner that is consistent with water rights priorities established by California law.~~

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SEC. 503. NO REDIRECTED ADVERSE IMPACTS.

(a) The Secretary shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this Act, including, but not limited to, such actions under the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) ~~as amended~~ and other federal laws, shall not ~~result in the involuntary reduction of water supply to individuals or districts who receive water from the State Water Project or from the United States under water rights settlement contracts, exchange contracts, water service or repayment contracts, cause redirected adverse water supply or fiscal impacts to those within the Sacramento River Watershed or the State Water Project service area.~~

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(b) ~~To the extent that costs are incurred solely pursuant to or as a result of this Act and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.~~

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(c) ~~Except as provided in this Act, nothing in this Act shall modify or amend the rights and obligations of the parties to any existing water service, repayment, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange contracts and settlement contracts prior to allocation of Central Valley Project yield.~~

SEC. 504. EFFECT ON STATE LAWS.

Nothing in this Act preempts any State law in effect on the date of enactment of this Act, ~~including area of origin and other water rights protections or modifies any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law including established water rights priorities.~~

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TITLE VI—MISCELLANEOUS

SEC. 601. AUTHORIZED SERVICE AREA.

(a) In General.—The authorized service area of the Central Valley Project authorized under

Subject: Title V CA Water Discussion

Location: 877-████-████ passcode is █████

Start: 11/5/2014 11:00 AM

End: 11/5/2014 12:30 PM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Weaver, Kiel

Required Attendees: 'Brent Walthall (bwalthall@kcwa.com)'; 'Ronald D. Jacobsma'; 'Stuart Somach'; 'Birmingham, Thomas (tbirmingham@westlandswater.org)'; 'David Bernhardt'; 'mitchbutler@naturalresourceresults.com'; 'jbuckman@friantwater.org'; 'Tom Berliner'; 'Steve Chedester'; 'towater@olaughlinparis.com'; █████@████.████ Lombardi, Kyle; Marklund, Chris; Nelson, Damon; Wong, Bryson; Larrabee, Jason; Tudor, Chris; Eastman, Kevin; Berenter, Alexandra

Resources: 877-████-████ passcode is █████

From: Bernhardt, David L.

Sent: Thursday, November 6, 2014 10:22 AM

To: Thomas W. (Tom) Birmingham Esq.

Subject: District court strikes down endangered species protections for exceeding the scope of federal power - The Washington Post

<http://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/11/05/district-court-strikes-down-endangered-species-protections-for-exceeding-the-scope-of-federal-power/>

David Bernhardt

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From: Bernhardt, David L.
Sent: Thursday, November 6, 2014 11:12 AM
To: Thomas W. (Tom) Birmingham Esq.
Subject: Fwd: November Schedule
Attachments: image001.png

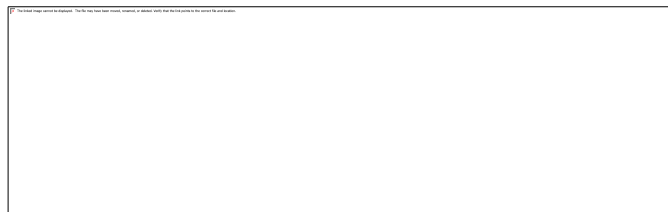
House schedule

David Bernhardt

Begin forwarded message:

From: "Brunson, Brooks A." <BBrunson@BHFS.com>
Date: November 6, 2014 at 9:28:18 AM MST
To: Everyone - Washington DC <Everyone-WashingtonDC@BHFS.com>
Subject: FW: November Schedule

FYI



Just a quick update on the likely floor schedule for November.

Week 1 (November 12-14)

- Due to the 114th Congress organizational conferences, we expect to only consider suspensions next week.

Week 2 (November 17-20)

- The House will likely consider three rule bills:
 - H.R. 1422, the EPA Science Advisory Board Reform Act, authored by Representative Chris Stewart, which establishes board member qualifications;
 - H.R. 4012, the Secret Science Reform Act, authored by Representative David Schweikert, which prohibits EPA from finalizing a regulation unless the data used is made public; and
 - H.R. 4795, the Promoting New Manufacturing Act, authored by Representative Steve Scalise, which brings transparency to the EPA permitting process.

As always, feel free to reach out with any questions.

Kelly A. Dixon
Director of Legislative Operations
Majority Leader Kevin McCarthy
(202) 225-0687

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From: Khachigian, Kenneth
Sent: Thursday, November 6, 2014 4:52 PM
To: Thomas Birmingham
CC: Bernhardt, David L.
Subject: Post Election Outlook
Attachments: Post-Election Outlook.pdf

Tom:
Our DC office — include Dave — put together this handy post-election outlook for the remainder of this year and for the new Congress.
It may come in handy as you work to navigate the legislative shoals....and, as well, to inform the Board. I know Dave and his team can fill in the spaces we haven't covered.
very best,
Ken



Kenneth L. Khachigian
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Post-Election Washington Outlook

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Senate Committee Tracker: Losses, Retirements, and Other Exits

Post-Election Analysis, the Lame Duck, and 114th Congress

Republicans far outpaced expectations on Tuesday, winning victory after victory in what turned out to be another wave election for the Grand Old Party. Many high-profile, open-seat Senate contests were won by double-digit margins while even well-established Democratic incumbents in Arkansas, Colorado and North Carolina could not muster enough support at the polls to hang on. In Louisiana, Sen. Mary Landrieu (D-LA) came up well short of the 50 percent she needed to avoid a runoff, which will now take place on December 6. At the time of this publication, Alaska and Virginia were still too close to call, though it seemed like they would split between parties. At a minimum, Republicans will have at least a 52-seat majority going into the 114th Congress, but this number is likely to expand once every vote is tallied.

Not to be outdone, the House Republican majority also grew by several seats, mostly as the result of open-race victories. However, there were also a handful of significant incumbent losses, particularly among Blue Dog Democrats, including Reps. John Barrow (D-GA) and Nick Rahall (D-WV). With a net gain of 14 seats and another 14 races still too close to call, Republicans are likely to start 2015 with their largest majority in the chamber since World War II.

To make matters worse for Democrats, the gubernatorial races also fared poorly for the party. Aside from a much-expected shakeup in the Pennsylvania governor's mansion, Republicans carried the day and painted a map that looks much more red now than it did Tuesday morning.

Many inside and outside the beltway are asking how Republicans turned a swell into a wave? First, much of the rationale for understanding the results of the election has been known for months. Democrats were fighting the "six-year itch" and were saddled with a president who is highly unpopular in many key swing and red states. In addition, Democratic voting blocs have historically lower turnout in mid-term elections when the White House is not in play.

According to exit polling, Democrats still largely carried the women's vote, which had been the main focus of ads in virtually every contest. However, Republicans won the male vote by a wider margin. The youth voting bloc also amounted to only 13 percent of the vote, which is down from 19 percent in 2012, while Hispanic voting numbers stayed flat. However, the idea that Hispanics turned away from Democrats, upset with the Obama administration for not acting unilaterally on immigration reform, is for the most part a red herring. Hispanics skewed more heavily toward Democratic candidates this year than in 2010.

While partisan fervor drove many Republicans to the polls, party leaders were quick to scale back their criticisms of Democrats and transition to offering hope for a bipartisan future in Congress. "Just because we have a two-party system doesn't mean we have to be in perpetual conflict," said Sen. Mitch McConnell (R-KY) in a victory speech. Other Republican leaders echoed these comments. Whether this cooperative atmosphere lingers and actually manifests in major accomplishments next year remains to be seen, but will continue to be the product of much speculation over the coming weeks.

To help inform your post-election thinking, below we provide a recap of the election results, outline issues that top the lame-duck agenda, and offer a look into the major policy debates that stakeholders in Washington should be prepared for next year.

Senate Election Results at a Glance

114th Congress: 45 Democrats to 52 Republicans (3 Outstanding Races)

Results as of 7:00pm on November 5, 2014

Republicans hold Mississippi, Alabama, Maine, Nebraska, Oklahoma, South Carolina, Texas, Idaho, Tennessee and Wyoming

Kentucky (Republican Hold)

Mitch McConnell (R) defeats Alison Lundergan Grimes (D) - 56% to 41%

Kansas (Republican Hold)

Pat Roberts (R) defeats Greg Orman (I) - 53% to 43%

Georgia (Republican Hold)

David Perdue (R) defeats Michelle Nunn (D) - 53% to 45%

West Virginia (Republican Pickup)

Shelley Moore Capito (R) defeats Natalie Tennant (D) - 62% to 35%

Montana (Republican Pickup)

Steve Daines (R) defeats Amanda Curtis (D) - 58% to 40%

Arkansas (Republican Pickup)

Tom Cotton (R) defeats incumbent Mark Pryor (D) - 57% to 40%

Iowa (Republican Pickup)

Joni Ernst (R) defeats Bruce Braley (D) - 52% to 44%

South Dakota (Republican Pickup)

Mike Rounds (R) defeats Rick Weiland (D) - 51% to 29%

North Carolina (Republican Pickup)

Thom Tillis (R) defeats incumbent Kay Hagan (D) - 49% to 47%

Colorado (Republican Pickup)

Cory Gardner (R) defeats incumbent Mark Udall (D) - 49% to 45%

Alaska (Too Close to Call)

Dan Sullivan (R) leading incumbent Mark Begich (D) - 49% to 45%

Louisiana (Runoff: December 6)

Mary Landrieu (D) and challenger Bill Cassidy (R) fail to secure 50% of the vote

Virginia (Too Close to Call)

Mark Warner (D) leading challenger Ed Gillespie (R) - 49% to 48.5%

New Hampshire (Democrat Hold)

Jeanne Shaheen (D) defeats Scott Brown (R) - 52% to 48%

Democrats hold Michigan, Virginia, Minnesota, Oregon, Illinois, New Mexico, New Jersey, Delaware, Hawaii, Rhode Island and Massachusetts

House Election Results at a Glance

114th Congress: 179 Democrats to 243 Republicans (13 Outstanding Races)
Results as of 7:00pm on November 5, 2014

REPUBLICAN

Incumbent Losses

Steve Southerland (R-FL)
Vance McAllister (R-LA)
Lee Terry (R-NE)

Open Seat Holds

Alabama's 6th – Palmer
Arkansas's 2nd – Hill
Arkansas's 4th – Westerman
California's 25th – K
California's 45th – Walters
Georgia's 1st – Carter
Georgia's 10th – Hice
Maine's 2nd – Poliquin
Georgia's 11th – Loudermilk
Iowa's 3rd – Young
Michigan's 4th – Moolenaar
Michigan's 8th – Bishop
Michigan's 11th – Trott
Minnesota's 6th – Emmer
Montana's At-Large – Zinke
New Jersey's 3rd – MacArthur
North Carolina's 6th – Walker
Oklahoma's 5th – Russell
Pennsylvania's 6th – Costello
Texas' 4th – Ratcliffe
Texas' 36th – Babin
Virginia's 7th – Brat
Virginia's 10th – Comstock
Washington's 4th – Newhouse
West Virginia's 2nd – Mooney

Open Seat Wins

Iowa's 1st – Blum
New York's 21st – Stefanik
North Carolina's 7th – Rouzer
Utah's 4th – Love

DEMOCRATIC

Incumbent Losses

Joe Garcia (D-FL)
John Barrow (D-GA)
Bill Enyart (D-IL)
Brad Schneider (D-IL)
Steven Horsford (D-NV)
Carol Shea-Porter (D-NH)
Tim Bishop (D-NY)
Dan Maffei (D-NY)
Pete Gallego (D-TX)
Nick Rahall (D-WV)

Open Seat Holds

Arizona's 7th – Gallego
California's 11th – DeSaulnier
California's 33rd – Lieu
California's 35th – Torres
Hawaii's 1st – Takai
Massachusetts' 6th – Moulton
Michigan's 12th – Dingell
Michigan's 14th – Lawrence
New Jersey's 1st – Norcross
New Jersey's 12th – Coleman
New York's 4th – Rice
North Carolina's 12th – Adams
Pennsylvania's 13th – Boyle
Virginia's 8th – Beyer

Too Close to Call & Runoff Races (13) (Incumbents Bolded)

Arizona's 2nd: McSally (R) vs. Barber (D)	California's 26th: Brownley (D) vs. Gorell (R)
California's 7th: Ose (R) vs. Bera (D)	California's 31st: Aguilar (D) vs. Chabot (R)
California's 9th: McNerney (D) vs. Amador (R)	California's 52nd: DeMaio (R) vs. Peters (D)
California's 16th: Tacherra (R) vs. Costa (D)	Maryland's 6th: Delaney (D) vs. Bongino (R)
California's 17th: Honda (D) vs. Khanna (D)	New York's 25th: Slaughter (D) vs. Assini (R)
RUNOFF Washington's 4th: Newhouse (R) vs. Didier (R)	Louisiana's 5th – Mayo (D) vs. Abraham (R)
RUNOFF Louisiana's 6th: Edwards (D) vs. Graves (R)	

Lame-Duck Session Outlook

The House and Senate will both return to Washington on Wednesday, November 12 for a lame-duck session. Leadership elections top the agenda for the first and second week in session. In the Senate, it is more than likely that Sen. McConnell will be elected majority leader and Sen. John Cornyn (R-TX) will be elected majority whip (or assistant majority leader). On the Democrat side, Sen. Harry Reid (D-NV) will likely be elected minority leader, despite the party's losses, and either Sen. Richard Durbin (D-IL) or Sen. Chuck Schumer (D-NY) will be elected minority whip. Minority leadership races will be filled with some tension and speculation. Be prepared for some drama and jockeying. House leadership elections will be more status quo.

In terms of legislating, House Speaker John Boehner (R-OH) has never had a strong appetite for major compromise when outgoing members are casting votes. Instead, he will look to move swiftly on the issues that must be addressed before a planned December 12 adjournment. Topping that "To-Do" list for both chambers are the following items:

- Omnibus-Minibuses-CR (current CR expires December 11)
- Internet Tax Freedom Act (ITFA) Extension (expires December 11)
- Terrorism Risk Insurance Reauthorization (expires December 31)
- Satellite Television Extension and Localism Act (STELA) Reauthorization (expires December 31)
- National Defense Authorization Act (NDAA) Renewal (expires December 31)
- Tax Extenders (retroactive extension needed for 2014)

Other issues to watch that may take up attention and/or floor time during the lame duck include:

- Vote on use-of-force authorization, supplemental funding re ISIL/Syria
- Bipartisan intelligence authorization bill
- Debate on Marketplace Fairness Act, allowing states to collect taxes from online retailers
- Ebola response efforts (supplemental request), proposed travel ban
- Congressional response to executive action on immigration reform and potential other issues (e.g., inversions or climate change)
- Consideration of AG Eric Holder's replacement, other top Department of Justice officials
- Votes on other executive (e.g., TSA administrator replacement) and judicial nominees

During the lame duck, we expect all of the "To-Do" items outlined above to be handled without major incidents, though some feuding is expected. The goal for Republicans, to some extent, is to "clear the decks" so that their congressional agenda is not consistently bogged down by major policy deadlines over which they have little control. This logic makes a long-term reauthorization of TRIA and passage of a defense authorization more likely than not. Congress has passed the NDAA every year for 53 years, but it has grown more difficult. In addition, there is also no certainty that a long-term TRIA reauthorization will move, despite widespread support from industry for a bipartisan Senate bill that won 93 votes earlier this year. On Wednesday evening, Speaker Boehner alluded to a possible short-term extension of TRIA in the lame duck. Other "To-Do" priorities could see a similar fate if a short-term punt becomes the default path of least resistance.

Looking at the other issues, both chambers seem poised to negotiate some form of an omnibus spending bill that will keep the government funded through FY2015, though all 12 appropriations bills may not make the final package (resulting in a "CR-Omnibus" scenario). An extension of ITFA and STELA could be attached to this

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effort or move as stand-alone items. We also expect an agreement on the much-watched tax extenders package, though whether it will be for a one-year (retroactive only for 2014) or two-year (to also include 2015) extension has yet to be determined. How this is handled, and whether or not any provisions are made permanent, could have repercussions for consideration of comprehensive tax reform next year.

Please note, we believe the lame duck could extend late into the year as current Majority Leader Reid uses all remaining time to jam through the White House's judicial and executive nominations before losing the Senate majority.

Issues for the First 180 Days of the 114th Congress

When Congress convenes in January, members will quickly confront several major deadlines in the first six months of the year. These major policy fights will test the Republican leadership of each chamber and could very well define how the Republican Congress will work with a Democratic White House over the next two years.

- **February 2 – President Obama Required to Submit Budget:** There are no repercussions for missing the deadline, which will likely be the case next year. Without a new budget deal, full sequestration will resume in FY2016 and the president is expected to offer up his “sequester replacement” proposals for congressional consideration. This will include options for both defense and non-defense cuts.
- **March 15 – End of Debt Limit Suspension:** The Department of Treasury can use “extraordinary measures” to keep government operating past the March 15 expiration, likely into the early summer. According to CBO projections, a \$1 trillion increase is needed to get through the presidential elections in 2016. Incoming Majority Leader McConnell has already said that the Republican Senate will not allow the federal government to default on its debt obligations by breaching its borrowing authority.
- **March 31 – “Doc Fix” Expires:** There was a bicameral, bipartisan solution this year to permanently fix the issue, but it did not advance because of a lack of agreement on “pay-fors.” Discussions are already underway regarding how to best handle the “doc fix” during lame duck. However, this could morph into a major public issue if not addressed by March 2015.
- **May 31 – Expiration of Surface Transportation Programs:** Before leaving for recess this past summer, Congress moved a bill to continue funding for the federal Highway Trust Fund, which was set to be exhausted by August, as well as fund disbursements to various surface transportation programs last authorized under the Moving Ahead for Progress in the 21st Century Act (MAP-21). At the start of the new Congress, many members will be focused on securing a long-term reauthorization. House Majority Leader Kevin McCarthy (R-CA) has said he will focus on this next year. However, there are no easy revenue raisers or “pay-fors” since a gas-tax increase is off the table for a number of, including political, reasons. Pension smoothing and transfers from the general fund, which have been used in the past, are also harder to use for a multiyear bill.
- **June 30 – Ex-Im Bank Authorization Expires:** House Financial Services Committee Jeb Hensarling (R-TX) and several other conservative members have called the Ex-Im Bank government-funded corporate welfare and demanded the program be wound down. While those parties will make the same case next summer, in what is sure to be a contentious battle, there is good likelihood that the program will be reauthorized (though with reforms).

Republican leaders will try to dispense with these issues without dividing the caucus and setting off alarms that they are incapable of governing. The goal of both Speaker Boehner and likely Majority Leader McConnell is to move past these obstacles so that they can dictate an agenda of their own making.

Major Policy Arenas to Watch in the 114th Congress

Budget Reconciliation

With Republican majorities in both houses of Congress, GOP leaders are likely to utilize the budget reconciliation as a means of helping them advance their agenda. Under reconciliation, a procedure that allows budget-related legislation to pass with a simple majority vote, resolutions provide instructions to committees for meeting spending and revenue targets. Senate Republicans have begun to strategize about how best to use budget reconciliation. It could, for example, be used to enact a tax overhaul or changes to entitlement programs—all without Senate Democrats. Republicans may also try to use the procedure to repeal portions of the Affordable Care Act (ACA). Conservative think tanks like Heritage have come out in support of utilizing reconciliation as a means of repealing the ACA. Sen. McConnell, who will likely serve as majority leader in the 114th, is not likely to support such drastic measures but does endorse the use of reconciliation. On Wednesday, he said Republicans would be “addressing [Obamacare] in a variety of different ways” and hinted at using reconciliation by saying that “there are some things we can do with 51 votes.”

Tax Reform

Several tax breaks, including bonus depreciation and the R&D tax credit, among others, expired at the end of 2013 and have yet to be retroactively renewed to cover 2014. These 50-plus provisions each have their own detractors but as a collective package generally enjoy wide bipartisan support. How these extenders are handled, and whether any are made permanent, will be important for how the broader tax reform fight unfolds next year. While we believe the most likely outcome is a two-year extension of most if not all of the extenders package (possibly with some small tweaks), some Republicans are arguing for a one-year extension. By only providing a retroactive solution for 2014 and vowing no extenders package in 2015, the goal would be to apply new pressure on stakeholders to support broader tax reform efforts that provide long-term certainty. There is also discussion about making certain tax extenders permanent as part of this process, which some argue could make broader, comprehensive tax reform easier to accomplish.

Sen. Orin Hatch (R-UT), who will likely assume chairmanship of the Senate Finance Committee, and Rep. Paul Ryan (R-WI), who will likely chair the House Ways and Means Committee, will be the drivers of any major tax overhaul in the next Congress. However, expect bipartisan cooperation in the process as both Hatch and Ryan have a good standing relationship with Sen. Ron Wyden (D-OR), who will serve as ranking member on the Finance Committee. In fact, Wyden and Ryan have a history of working together, even championing a Medicare overhaul framework in 2011. While most parties agree (aside from some Democrats) that tax reform should and will likely need to be revenue neutral, such arrangements still result in big winners and losers based on how legislative lines are drawn. All stakeholders should review past tax reform efforts, including retiring Chairman Dave Camp's (D-MI) draft bill, as they will serve as the foundation for legislation in the 114th Congress.

Health Care

Republicans may pursue a full repeal of the ACA, including through a budget reconciliation process, but know that it would ultimately face a veto while Obama is still in the White House. House Majority Leader McCarthy outlined several smaller ACA fixes in an August 2014 memo, including changing the definition of a full-time employee and giving policyholders the option to keep the plan they have, which are both more likely outcomes than a full repeal. Several leaders have suggested that a separate repeal of the medical device tax is possible, with bipartisan support from some Democrats, especially those from states with industry presence.

With the “Doc Fix” expiring at the end of March, there will be renewed pressure on Congress to pass a permanent fix. However, legislators are likely to run into the same problems with finding a pay-for for the

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significant price tag, which last year the CBO scored at \$138 billion over 11 years. Additionally, funding for the Children's Health Insurance Program (CHIP) expires at the end of September; while CHIP has bipartisan support, Republicans could use their majority to propose changes to the program before the September deadline.

Sen. Lamar Alexander (R-TN) is poised to take over as Health, Education, Labor and Pensions chair and Sen. Patty Murray (D-WA) as ranking member. On the House side, Energy and Commerce Chairman Fred Upton (R-MI) will remain as chair, and the intense feud between Democrats Anna Eshoo (D-CA) and Frank Pallone (D-NJ) for ranking member will likely end in Pallone's favor.

Financial Services

A unified Republican Congress will finally have the votes necessary to open up Dodd-Frank for changes next year. However, even before the new majority takes hold, Congress may alter Dodd-Frank's definition of systematically important financial institutions (SIFI), raising the threshold from \$50 billion to \$100 billion in assets.

Once the Republican Senate does settle in, expect Sen. Richard Shelby (R-AL) to return to his previous position as chair of the Senate Banking Committee, with Sen. Sherrod Brown (D-OH) serving as ranking member. Shelby, who has two years left before he reaches his term-limit did not vote for Dodd-Frank but has said he will seek sensible, bipartisan reforms to the law. One of the early initiatives of the returning chairman will be to reform the Consumer Financial Protection Bureau (CFPB). While he will have concerns with individual regulatory initiatives at the CFPB, expect legislation to focus on structural reforms to the agency. For example, legislation to change the CFPB to a five-member commission and install an independent inspector general is likely to receive consideration. In addition, Republicans would like to tie the CFPB's funding to the normal appropriations schedule so they can assert more authority over its operations.

Shelby may also tackle the Federal Reserve, which has already been under increasing pressure from the GOP-controlled House. The Senate will increase scrutiny of the central bank's interest-rate policies, as well as its regulatory duties as overseer of the nation's largest financial firms. Sen. Shelby has been critical of the Fed's regulatory performance in the run-up to the financial crisis and supported stripping the central bank of its bank-supervision authority when Congress was writing Dodd-Frank. He also voted against Janet Yellen to be chair, citing her support for the bond-buying programs and his concerns they could spark runaway inflation.

House Financial Services Chairman Hensarling, who we expect to retain the gavel next year and be joined by a minimum of 7 new Republicans on committee, will push similar (although possibly more aggressive) initiatives as those outlined above. Other issues that might see consideration include transparency efforts covering the Financial Stability Oversight Council (FSOC) and legislation making it easier for companies to raise money or to go public. We could also see a resurrection of much debated housing finance reform legislation from the House and Senate committees.

Energy and Natural Resources

The Environmental Protection Agency's proposed rules governing greenhouse gas emissions from power plants released this year are scheduled to be finalized in June 2015; this will be a major wedge issue for the 114th Congress, particularly for incoming Majority Leader McConnell who is from the coal-heavy state of Kentucky. However, any legislative effort to block the rules will be vetoed by President Obama. Additionally, the permit approval for the Keystone Pipeline has been a hot-button issue for several years now. If Republicans craft a narrow bill that only impacts Keystone, the president may allow it to become law. A broader bill that fundamentally changes the power of the president in these international situations will likely draw the veto pen.

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After a long period of delay, the Department of Energy has been approving LNG export licenses at regular intervals. While legislation in this area has bipartisan support, there is a lack of consensus about which of the various approaches is best. This issue will continue to develop and is likely to get consideration at the committee level and on the House and Senate floor in the 114th Congress.

The Senate Committee on Energy and Natural Resources, currently chaired by Sen. Mary Landrieu (D-LA) who faces a runoff on December 6, will transfer power to current Ranking Member Lisa Murkowski (R-AK). There will also likely be a handful of vacancies on the House Committee on Natural Resources, given the number of incumbents on the committee who lost their races Tuesday.

Telecommunications

It is very likely that Federal Communications Commission (FCC) Chairman Tom Wheeler will face uncomfortable oversight hearings and investigations from the new Republican Congress. Republicans will try to repeal the net-neutrality rules, although it's hard to see them being able to override a veto. They will probably push "process reform" legislation that Republicans say would increase transparency and accountability at the FCC—but Democrats fear it would just hamper the FCC's authority over mergers and other issues. There will be close monitoring of the Obama administration regarding international Internet governance.

With Sen. John Thune (R-SD) set to take over the Commerce Committee, there is going to be more coordination between the House Energy and Commerce and Senate Commerce committees. Many of the telecommunications bills that passed the House in the 113th Congress but never moved in the Senate, is likely where there will be the most movement, including the Federal Communications Commission Process Reform Act, International Internet Governance, net neutrality legislation, and an overall Communications Act update. Within the Communications Act update, expect much discussion over retransmission rules and video policy, rural broadband, spectrum policy, and competition in the ever-merging telecommunications industry; however, expect net neutrality to be a sticking point in this discussion, especially because the FCC depends on its controversial Title II authority.

Immigration

Within the next two months, President Obama is slated to announce an executive action on immigration-related issues. The content of this order, how far the president pushes his constitutional powers, and what reception is given by Republicans will undoubtedly set the stage for immigration reform conversations in the 114th Congress. With the number of House Republicans growing next Congress, Speaker Boehner could have the room he needs to negotiate consideration of some form of immigration legislation, either on a more comprehensive level or through the passage of a number of smaller bills. In the Senate, the wild card will be the incoming chairman of the Senate Judiciary Committee Chuck Grassley (R-IA), and the uncertainty about what he might allow through the committee. Likely, new Senate Majority Leader McConnell will work with Grassley on smaller bills, but could also wrestle control of the issue from committee and make it a purely leadership-level matter if there is enough support among the caucus to work toward a larger bill.

If a comprehensive approach favored by some Republicans and virtually all Democrats does not gain traction, serious effort to pass a number of targeted-to-industry (i.e., agriculture, high-tech, lower-skill, and E-Verify) bills could ensue. If Democrats in the Senate allow these piecemeal bills to advance to the president, there could be a veto threat in play if immigration reform advocates successfully argue that undocumented workers and DREAMers are being left out.

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Education

Republicans are sure to push back against several of the Department of Education's recently released proposals and regulations. It is anticipated that the Congress will seek to reauthorize the Higher Education Act (HEA) next year, which could give incoming HELP Chairman Alexander the opportunity to block implementation of the administration's controversial gainful employment regulations or block an expansion of income-based repayments.

A possible reauthorization of No Child Left Behind is likely to include provisions barring the Department of Education's development of the Common Core standards. The Democrats' push for an overhaul of a new early childhood education program will likely stall, although there could be a push for additional block grant and voucher funding for states and Head Start.

Stakeholders are closely watching to see whether Education and the Workforce Committee Chairman John Kline (R-MN) will receive a rare waiver from House term-limit rules, as he has requested. We believe Speaker Boehner will the waiver because Kline has not served a full three terms. He took over as the Committee's ranking Republican during the 110th Congress, after Rep. Buck McKeon (R-CA) left for the same position on the Armed Services Committee in 2009. If he is unsuccessful in his request, Reps. Joe Wilson (R-SC) and Virginia Foxx (R-NC) are next in line. On the minority side, Rep. Bobby Scott (D-VA) is almost guaranteed to replace retiring Ranking Member George Miller (D-CA). Additionally, the committee is going to see a turnover of at least seven members.

Trade

The administration is currently negotiating two proposed free-trade agreements: the Trans-Pacific Partnership (TPP) trade agreement with Japan and 10 other countries in the Asia-Pacific; and the Transatlantic Trade and Investment Partnership (T-TIP) agreement with the 28 nations of the European Union.

In order to advance these and other trade deals, most Republicans support passing Trade Promotion Authority (TPA) legislation. TPA is more commonly known as "fast-track" legislation because it expedites congressional consideration of trade agreements by allowing the president to submit a trade agreement to Congress for a straight up or down vote without any amendments. Many experts argue that giving the president this authority is essential to extracting the most concessions from foreign governments during trade negotiations, thus ensuring the most beneficial deal for America—the logic being that other countries would not extend their best offer if they know that the Congress can later amend the deal.

In the 114th Congress, the president is likely to garner the support he needs from Congress to pass TPA legislation. Unlike current Majority Leader Reid, who had opposed granting "fast track" authority to the president, Sen. McConnell has already signaled his willingness to work with the president to strengthen America's negotiating position with foreign partners. In addition, Sen. Hatch will support both the extension of TPA and passage of the trade agreements as the new Senate Finance chair. Sen. Wyden has already been working on a TPA bill that would appeal to more Democratic members.

Post-Election Washington Outlook

House Committee Tracker: Losses, Retirements, and Other Exits

House Committee	Republicans	Democrats	Too Close To Call	Change	Republican Chairman	Democratic Ranking Member
Agriculture		<u>Exiting</u> : McIntyre, McLeod, Negrete, Enyart, Gallego		R: 0 D: 5	113 th : Lucas 114 th : Conaway	113 th : Peterson 114 th : Peterson
Appropriations	<u>Exiting</u> : Kingston, Latham, Wolf	<u>Exiting</u> : Moran, Owens, Pastor		R: 3 D: 3	113 th : Rogers 114 th : Rogers	113 th : Lowey 114 th : Lowey
Armed Services	<u>Exiting</u> : McKeon, Runyan	<u>Exiting</u> : Hanabusa, McIntyre, Enyart, Gallego, Maffei, S. Peters, Shea-Porter	D:Barber	R: 2 D: 7(8)	113 th : McKeon 114 th : Thornberry	113 th : Smith 114 th : Smith
Budget	<u>Exiting</u> : Campbell, Lankford			R: 2 D: 0	113 th : Ryan 114 th : Price	113 th : Van Hollen 114 th : Van Hollen
Education and the Workforce	<u>Exiting</u> : McKeon, Petri	<u>Exiting</u> : Holt, C. McCarthy, G. Miller, Tierney, T. Bishop		R: 2 D: 5	113 th : Kline 114 th : Kline, Wilson or Foxx	113 th : G. Miller 114 th : Scott
Energy and Commerce	<u>Exiting</u> : Cassidy, Hall, Gardner, Gingrey, Mike Rogers, Terry	<u>Exiting</u> : Braley, Christensen, Dingell, Matheson, Waxman, Barrow	D:McNerney	R: 6 D: 6(7)	113 th : Upton 114 th : Upton	113 th : Waxman 114 th : Pannlone or Eshoo
Financial Services	<u>Exiting</u> : Bachmann, Bachus, Campbell, Capito, Cotton, Miller, Gary	<u>Exiting</u> : C. McCarthy, G. Peters, Horsford		R: 7 D: 3	113 th : Hensarling 114 th : Hensarling	113 th : Waters 114 th : Waters
Foreign Affairs	<u>Exiting</u> : Cotton, Stockman	<u>Exiting</u> : Schneider	D:Bera	R: 2 D: 1(2)	113 th : Royce 114 th : Royce	113 th : Engel 114 th : Engel
Homeland Security	<u>Exiting</u> : Broun, Daines		D:Barber	R: 2 D: (1)	113 th : McCaul 114 th : McCaul	113 th : Thompson 114 th : Thompson
Judiciary	<u>Exiting</u> : Bachus, Coble	<u>Exiting</u> : Garcia		R: 2 D: 1	113 th : Goodlatte 114 th : Goodlatte	113 th : Conyers 114 th : Conyers
Natural Resources	<u>Exiting</u> : Broun, Daines, D. Hastings, Runyan, Southerland	<u>Exiting</u> : Hanabusa, Holt, Garcia, Horsford, Shea-Porter		R: 5 D: 5	113 th : Hastings 114 th : Bishop, Young or Gohmert	113 th : DeFazio 114 th : DeFazio, Grijalva, or Faleomavaega
Oversight and Government Reform	<u>Exiting</u> : Bentivolio, D. Hastings, Lankford	<u>Exiting</u> : Tierney, Horsford		R: 3 D: 2	113 th : Issa 114 th : Mica, Jordan, Chaffetz, or Turner	113 th : Cummings 114 th : Cummings
Rules				R: 0 D: 0	113 th : Sessions 114 th : Sessions	113 th : Slaughter 114 th : Slaughter
Science, Space, and Technology	<u>Exiting</u> : Broun, Hall, Stockman	<u>Exiting</u> : Maffei, S. Peters	D:Bera, Brownley	R: 3 D: 2(4)	113 th : L. Smith 114 th : L. Smith	113 th : E. Johnson 114 th : E. Johnson
Small Business	<u>Exiting</u> : Bentivolio	<u>Exiting</u> : Schneider	D:Barber	R: 1 D: 1(2)	113 th : Graves 114 th : Chabot	113 th : Velázquez 114 th : Velázquez

Post-Election Washington Outlook

Transportation and Infrastructure	<u>Exiting</u> : Capito, Coble, Daines, Gary Miller, Petri, Southerland	<u>Exiting</u> : Michaud, T. Bishop, Rahall	R: 6 D: 3	113 th : Shuster 114 th : Shuster	113 th : Rahall 114 th : DeFazio, or Nadler
Veterans' Affairs	<u>Exiting</u> : Runyan	<u>Exiting</u> : McLeod, Michaud, Negrete	D: Brownley	R: 1 D: 3(4)	113 th : J. Miller 114 th : J. Miller
Ways and Means	<u>Exiting</u> : Gerlach, Griffin	<u>Exiting</u> : Schwartz		R: 2 D: 1	113 th : Camp 114 th : Ryan
Intelligence	<u>Exiting</u> : Bachmann, Rogers, Mike	<u>Exiting</u> : Pastor		R: 2 D: 1	113 th : Rogers, M. 114 th : Nunes
					113 th : Michaud 114 th : C. Brown or Takano
					113 th : Levin 114 th : Levin
					113 th : Ruppersberger 114 th : Ruppersberger

Post-Election Washington Outlook

Senate Committee Tracker: Losses, Retirements, and Other Exits

Senate Committee	Democrats	Republicans	Too Close To Call	Change	Republican Chairman	Democrat Ranking Member
Agriculture, Nutrition, and Forestry	<u>Exiting</u> : Harkin, Walsh	<u>Exiting</u> : Chambliss, Johanns	D: Begich	D: 2 R: 2	113 th : Cochran 114 th : Roberts	113 th : Stabenow 114 th : Stabenow
Appropriations	<u>Exiting</u> : Harkin, Johnson, Pryor, Landrieu*	<u>Exiting</u> : Johanns	D: Begich	D: 3(5) R: 1	113 th : Shelby 114 th : Cochran	113 th : Mikulski 114 th : Mikulski
Armed Services	<u>Exiting</u> : Levin, Hagan, M. Udall	<u>Exiting</u> : Chambliss		D: 3 R: 1	113 th : Inhofe 114 th : McCain	113 th : Levin 114 th : Reed
Banking, Housing, and Urban Affairs	<u>Exiting</u> : Johnson, Hagan	<u>Exiting</u> : Coburn, Johanns		D: 2 R: 2	113 th : Crapo 114 th : Shelby	113 th : Johnson 114 th : Brown
Budget				D: 0 R: 0	113 th : Sessions 114 th : Sessions	113 th : Murray 114 th : Murray or Sanders
Commerce, Science, and Transportation	<u>Exiting</u> : Rockefeller, Walsh, Pryor		D: Begich	D: 3(4) R: 0	113 th : Thune 114 th : Thune	113 th : Rockefeller 114 th : Nelson
Energy and Natural Resources	<u>Exiting</u> : Johnson, M. Udall, Landrieu*			D: 2(3) R: 0	113 th : Murkowski 114 th : Murkowski	113 th : Landrieu 114 th : Landrieu or Cantwell
Environment and Public Works				D: 0 R: 0	113 th : Vitter 114 th : Inhofe	113 th : Boxer 114 th : Boxer
Finance	<u>Exiting</u> : Rockefeller			D: 1 R: 0	113 th : Hatch 114 th : Hatch	113 th : Wyden 114 th : Wyden
Foreign Relations				D: 0 R: 0	113 th : Corker 114 th : Corker	113 th : Menendez 114 th : Menendez
Health, Education, Labor, and Pensions	<u>Exiting</u> : Harkin, Hagan			D: 2 R: (1)	113 th : Alexander 114 th : Alexander	113 th : Harkin 114 th : Murray or Sanders
Homeland Security and Governmental Affairs	<u>Exiting</u> : Levin, Pryor, Landrieu*	<u>Exiting</u> : Coburn	D: Begich	D: 2(4) R: 1	113 th : Coburn 114 th : Collins, Johnson, or Portman	113 th : Carper 114 th : Carper
Judiciary				D: 0 R: 0	113 th : Grassley 114 th : Grassley	113 th : Leahy 114 th : Leahy
Small Business and Entrepreneurship	<u>Exiting</u> : Levin, Hagan, Landrieu*			D: 2(3) R: 0	113 th : Risch 114 th : Risch	113 th : Cantwell 114 th : Cantwell
Veterans' Affairs	<u>Exiting</u> : Rockefeller	<u>Exiting</u> : Johanns	D: Begich	D: 1 (2) R: 1	113 th : Burr 114 th : Isakson	113 th : Sanders 114 th : Sanders, Tester, or Begich
Intelligence	<u>Exiting</u> : Levin, Rockefeller, M. Udall	<u>Exiting</u> : Chambliss, Coburn		D: 3 R: 2	113 th : Chambliss 114 th : Burr	113 th : Feinstein 114 th : Feinstein

From: Nelson, Damon
Sent: Friday, November 7, 2014 7:40 AM
To: Tom Birmingham; Bernhardt, David L.
Subject: DC trip

We are recommending to everyone to be in town the week of the 17th. Our thought is that it would be easier to make fast reaction edits if everyone is in town and solely focused on the bill. I'll let you know if that suggested week changes.

Damon Nelson
Deputy Chief of Staff & Legislative Director
Congressman Devin Nunes
Office: (202) 225-2523

Office Mission To ensure our constituents and all Americans live free and prosperous lives in a healthy and safe environment by serving, communicating, protecting and representing them in a professional and caring manner.



From: Tom Birmingham
Sent: Friday, November 7, 2014 9:58 AM
To: Nelson, Damon
CC: Bernhardt, David L.
Subject: Re: DC trip

I will be there.

Sent from my iPhone

On Nov 7, 2014, at 7:39 AM, "Nelson, Damon" <Damon.Nelson@mail.house.gov> wrote:

We are recommending to everyone to be in town the week of the 17th. Our thought is that it would be easier to make fast reaction edits if everyone is in town and solely focused on the bill. I'll let you know if that suggested week changes.

Damon Nelson
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Office Mission To ensure our constituents and all Americans live free and prosperous lives in a healthy and safe environment by serving, communicating, protecting and representing them in a professional and caring manner.

<image001.jpg>

From: Stuart Somach

Sent: Friday, November 7, 2014 10:15 AM

To: Weaver, Kiel; Brent Walthall; 'Ronald D. Jacobsma'; Birmingham, Thomas; David Bernhardt; mitchbutler@naturalresourceresults.com; j buckman@friantwater.org; Tom Berliner; 'Steve Chedester'; towater@olaughlinparis.com; [REDACTED]@ [REDACTED] [REDACTED]

CC: Lombardi, Kyle; Marklund, Chris; Nelson, Damon; Wong, Bryson; Larrabee, Jason; Tudor, Chris; Eastman, Kevin; Berenter, Alexandra

Subject: Re: Request for November 5 Conference call on CA water provisions

Attachments: Edits to AG Water Service Split.docx; 11-6-14 SLS Redline of Sections 502, 503[1].docx

Importance: High

I have enclosed my suggested modifications. Please do not hesitate to contact me if you have any questions. Stuart

--



Stuart L. Somach | Attorney

500 Capitol Mall, Suite 1000 | Sacramento, CA 95814

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From: "Weaver, Kiel" <Kiel.Weaver@mail.house.gov>

Date: Tuesday, November 4, 2014 at 1:45 PM

To: "Walthall, Brent" <bwalthall@kcwa.com>, "Ronald D. Jacobsma" <rjacobsma@friantwater.org>, Stuart Somach <ssomach@somachlaw.com>, Thomas Birmingham <tbirmingham@westlandswater.org>, David Bernhardt <dbernhardt@bhfs.com>, "mitchbutler@naturalresourceresults.com" <mitchbutler@naturalresourceresults.com>, Jennifer Buckman <jbuckman@friantwater.org>, "Berliner, Thomas M." <TMBerliner@duanemorris.com>, 'Steve Chedester' <stevechedester@sjrecwa.net>, "toward@olaughlinparis.com" <toward@olaughlinparis.com>, "[REDACTED]@ [REDACTED] [REDACTED]" <[REDACTED]@ [REDACTED] [REDACTED]>

Cc: "Lombardi, Kyle" <Kyle.Lombardi@mail.house.gov>, "Marklund, Chris" <Chris.Marklund@mail.house.gov>, "Nelson, Damon" <Damon.Nelson@mail.house.gov>, "Wong, Bryson" <Bryson.Wong@mail.house.gov>, "Larrabee, Jason" <Jason.Larrabee@mail.house.gov>, "Tudor, Chris" <Chris.Tudor@mail.house.gov>, "Eastman, Kevin" <Kevin.Eastman@mail.house.gov>, "Berenter, Alexandra" <Alexandra.Berenter@mail.house.gov>

Subject: Request for November 5 Conference call on CA water provisions

All,

Some of us House Republicans are in discussions about the attached text and what is proposed below to be an addition to the attached text.

As you can likely guess, time is of the essence in these discussions. Since you are the experts on the ground, can we do a conference call at 1pm DC time tomorrow, Wednesday, November 5, to discuss? I realize this is very last minute, but this is important so if you could join on the conference call, it would be really helpful.

The call in number is 877-████-████ passcode is █████ Will send an invite shortly.

(a) In General.--Subject to the absolute priority of the Sacramento River Settlement Contractors to Sacramento River supplies over Central Valley Project diversions and the United States obligation to make a substitute supply of water available to the San Joaquin River Exchange Contractors and other south-of-Delta settlement contractors, the Secretary is directed, in the operation of the Central Valley Project, to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors as prescribed below:

(1) The first 300,000 acre feet of CVP water available for allocation to CVP Agricultural water service contractors will be allocated proportionately and concurrently as follows: One acre foot to North of Delta Ag WSCs, Two acre feet to South of Delta Ag WSCs

(2) The next 400,000 acre feet of CVP water available for allocation to CVP Agricultural water service contractors will be allocated proportionately and concurrently as follows: One acre foot to North of Delta Ag WSCs, Three acre feet to South of Delta Ag WSCs

(3) All additional quantities of CVP water available for allocation to CVP Agricultural water service contractors will be allocated proportionately and concurrently as follows: One acre foot to North of Delta Ag WSCs, Four acre feet to South Delta Ag WSCs, up to the contract total.

(b) Definitions.--In this section:

(1) The term ``existing Central Valley Project agricultural water service contractors'' means all agricultural water service contractors within the CVP, both North and South of the Delta, that have a water service contract in effect, on the date of the enactment of this section, that provides water for the purpose of irrigation.

(c) If any environmental, water quality, or any other regulatory or statutory requirement impacts the ability to convey water to South of the Delta Ag WSCs in accordance with the allocation methodology prescribed in Section (a), nothing herein will prevent additional quantities of water available for allocation to CVP Ag WSCs to be delivered to North of Delta Ag Water Service Contractors, over and above the amounts prescribed in Section (a), up to the maximum quantity provided for in the water service contracts held by the North of Delta Ag Water Service Contractors.

[With this approach, I don't think we would still need the old section (b) addressing American River Division and M & I Shortage policy language, but I would have no objection if it needed to be added].

Deliveries under this language would occur at the following ratios:

	NOD AF	NOD %	SOD AF	SOD %
Totals	371,000 *	100%	1,942,000*	100%
First 300K AF (1N, 2S)	100K	27%	200K	10.3%
Next 400K (1N, 3S)	200K	54%	500K	26%
Next 500K (1N, 4S)	300K	81%	900K	46%
[after this, all goes SOD]	371K	100%	1.184M	61%

* = Total Contract amounts for NOD Ag WSCs and SOD Ag WSCs

(a) In General.--Subject to the absolute priority of (1) individuals or entities with the senior Sacramento River water rights, including those with Sacramento River Settlement Contracts~~ers~~, to the diversion and use of Sacramento River water and supplies~~supplies~~ over the Central Valley Projects diversions and (2) the United States obligation to make a substitute supply of water available to the San Joaquin River Exchange Contractors and other south-of-Delta settlement contractors, the Secretary is directed, in the operation of the Central Valley Project, to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors as prescribed below:

(1) The first 300,000 acre feet of CVP water available for allocation to CVP Agricultural water service contractors will be allocated proportionately and concurrently as follows: One acre foot to North of Delta Ag WSCs, Two acre feet to South of Delta Ag WSCs

(2) The next 400,000 acre feet of CVP water available for allocation to CVP Agricultural water service contractors will be allocated proportionately and concurrently as follows: One acre foot to North of Delta Ag WSCs, Three acre feet to South of Delta Ag WSCs

(3) All additional quantities of CVP water available for allocation to CVP Agricultural water service contractors will be allocated proportionately and concurrently as follows: One acre foot to North of Delta Ag WSCs, Four acre feet to South Delta Ag WSCs, up to the contract total.

(b) Definitions.--In this section:

(1) The term ``existing Central Valley Project agricultural water service contractors'' means all agricultural water service contractors within the CVP, both North and South of the Delta, that have a water service contract in effect, on the date of the enactment of this section, that provides water for the purpose of irrigation.

(c) If any environmental, water quality, or any other regulatory or statutory requirement impacts the ability to convey water to South of the Delta Ag WSCs in accordance with the allocation methodology prescribed in Section (a), nothing herein will prevent additional quantities of water available for allocation to CVP Ag WSCs to be delivered to

North of Delta Ag Water Service Contractors, over and above the amounts prescribed in Section (a), up to the maximum quantity provided for in the water service contracts held by the North of Delta Ag Water Service Contractors.

[With this approach, I don't think we would still need the old section (b) addressing American River Division and M & I Shortage policy language, but I would have no objection if it needed to be added].

Deliveries under this language would occur at the following ratios:

%	SOD AF	NOD AF SOD %	NOD
Totals		371,000	
* 100%		1,942,000*	100%
First 300K AF (1N, 2S)	100K	27%	200K
10.3%			
Next 400K (1N, 3S)	200K	54%	500K
26%			
Next 500K (1N, 4S)	300K	81%	900K
46%			
[after this, all goes SOD]	371K	100%	1.184M
61%			

* = Total Contract amounts for NOD Ag WSCs and SOD Ag WSCs

TITLE V — WATER RIGHTS PROTECTIONS

SEC. 502. AREA OF ORIGIN PROTECTIONS.

(a) ~~(a)~~—The Secretary of the Interior (Secretary) is directed in the operation of the Central Valley Project (CVP) to adhere to California’s water rights laws governing water rights priorities ~~by honoring~~ and to honor water rights senior to those held by the United States for operation of the CVP, regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2, Article 1.7 (commencing with section 1215 of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462 and 11463, and Sections 12200 to 12220, inclusive).

(b) Any action by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531, et seq.) that requires that diversions from the Sacramento River and the San Joaquin River watersheds above the Delta be bypassed or that involves the release of water from any CVP water storage facility ~~taken by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531, et seq.)~~ shall be ~~applied~~ undertaken in a manner that is consistent with water rights priorities established by California law.

(c) With respect to individuals and entities on the Sacramento River, the mandates of this Section may be met, in whole or in part, through a contract with the Secretary pursuant to Section 14 of Public Law 76-260, Act of August 4, 1958, 53 Stat.

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1187 (43 USC § 389) that is in conformance with the Sacramento River Settlement Contracts renewed by the Secretary in 2005.

SEC. 503. NO REDIRECTED ADVERSE IMPACTS.

(a) The Secretary shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this Act, including, but not limited to, such actions under the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) as amended, and other federal laws, shall not ~~cause redirected adverse water supply or fiscal impacts to those within the Sacramento River Watershed or the State Water Project service area~~ result in the involuntary reduction of water supply to individuals or district entities with senior water rights within the Sacramento River Watershed, the San Joaquin River Watershed or those who receive water from the State Water Project or from the United States under water rights settlement contracts, exchange contracts, water service or repayment contracts.

(b) To the extent that costs are incurred solely pursuant to or as a result of this Act and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(c) Except as provided in this Act, nothing in this Act shall modify or amend the rights and obligations of the parties to any existing water service, repayment, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange contracts and settlement contracts prior to allocation of Central Valley Project yield.

From: Tom Birmingham
Sent: Friday, November 7, 2014 10:27 AM
To: Khachigian, Kenneth
CC: Bernhardt, David L.
Subject: Re: Post Election Outlook

Thank you.

Sent from my iPhone

On Nov 6, 2014, at 4:52 PM, "Khachigian, Kenneth" <KKhachigian@bhfs.com> wrote:

Tom:

Our DC office — include Dave — put together this handy post-election outlook for the remainder of this year and for the new Congress.

It may come in handy as you work to navigate the legislative shoals....and, as well, to inform the Board. I know Dave and his team can fill in the spaces we haven't covered.

very best,

Ken

<26A0002E-2665-4E23-A722-1065DF06FB95[8].jpg>

Kenneth L. Khachigian

Senior Partner

Brownstein Hyatt Farber Schreck, LLP
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<Post-Election Outlook.pdf>

From: Marklund, Chris
Sent: Friday, November 7, 2014 10:42 AM
To: Tom Birmingham; dbernhardt@bhfs.com
CC: Butler, Jessica
Subject: FW: Request for November 5 Conference call on CA water provisions
Attachments: 97B65C33-538C-45EE-8BA0-451868421442[5].png; Edits to AG Water Service Split.docx; 11-6-14 SLS Redline of Sections 502, 503[1].docx; image001.jpg; image002.png; image003.jpg

Importance: High

Are you guys OK with the edits Stuart provided?

Chris

--

Chris Marklund
Legislative Director
Rep. David Valadao
1004 Longworth House Office Building
Washington, DC 20024
Ph: 202-225-4695
Fax: 202-225-3196
Chris.Marklund@mail.house.gov

Please follow Rep. David G. Valadao on Facebook, Twitter, and Instagram



From: Stuart Somach [mailto:ssomach@somachlaw.com]
Sent: Friday, November 07, 2014 12:15 PM
To: Weaver, Kiel; Brent Walthall; 'Ronald D. Jacobsma'; Birmingham, Thomas; David Bernhardt; mitchbutler@naturalresourcesresults.com; jbuckman@friantwater.org; Tom Berliner; 'Steve Chedester'; towater@olaughlinparis.com; [REDACTED]@[REDACTED]
Cc: Lombardi, Kyle; Marklund, Chris; Nelson, Damon; Wong, Bryson; Larrabee, Jason; Tudor, Chris; Eastman, Kevin; Berenter, Alexandra
Subject: Re: Request for November 5 Conference call on CA water provisions
Importance: High

I have enclosed my suggested modifications. Please do not hesitate to contact me if you have any questions. Stuart

--



Stuart L. Somach | Attorney

500 Capitol Mall, Suite 1000 | Sacramento, CA 95814
Office 916.446.7979 | **Cell** [REDACTED] | **Fax** 916.446.8199 |

ssomach@somachlaw.com
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From: "Weaver, Kiel" <Kiel.Weaver@mail.house.gov>

Date: Tuesday, November 4, 2014 at 1:45 PM

To: "Walthall, Brent" <bwalthall@kcwa.com>, "Ronald D. Jacobsma" <rjacobsma@friantwater.org>, Stuart Somach <ssomach@somachlaw.com>, Thomas Birmingham <tbirmingham@westlandswater.org>, David Bernhardt <dbernhardt@bhfs.com>, "mitchbutler@naturalresourceresults.com" <mitchbutler@naturalresourceresults.com>, Jennifer Buckman <jbuckman@friantwater.org>, "Berliner, Thomas M." <TMBerliner@duanemorris.com>, 'Steve Chedester' <stevechedester@sjrecwa.net>, "towater@olaughlinparis.com" <towater@olaughlinparis.com>, "[REDACTED]@[REDACTED].[REDACTED]" <[REDACTED]@[REDACTED].[REDACTED]>

Cc: "Lombardi, Kyle" <Kyle.Lombardi@mail.house.gov>, "Marklund, Chris" <Chris.Marklund@mail.house.gov>, "Nelson, Damon" <Damon.Nelson@mail.house.gov>, "Wong, Bryson" <Bryson.Wong@mail.house.gov>, "Larrabee, Jason" <Jason.Larrabee@mail.house.gov>, "Tudor, Chris" <Chris.Tudor@mail.house.gov>, "Eastman, Kevin" <Kevin.Eastman@mail.house.gov>, "Berenter, Alexandra" <Alexandra.Berenter@mail.house.gov>

Subject: Request for November 5 Conference call on CA water provisions

All,

Some of us House Republicans are in discussions about the attached text and what is proposed below to be an addition to the attached text.

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The call in number is 877-[REDACTED]-[REDACTED] passcode is [REDACTED] Will send an invite shortly.

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(1) The first 300,000 acre feet of CVP water available for allocation to CVP Agricultural water service contractors will be allocated proportionately and concurrently as follows: One acre foot to North of Delta Ag WSCs, Two acre feet to South of Delta Ag WSCs

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(b) Definitions.--In this section:

(1) The term ``existing Central Valley Project agricultural water service contractors'' means all agricultural water service contractors within the CVP, both North and South of the Delta,

that have a water service contract in effect, on the date of the enactment of this section, that provides water for the purpose of irrigation.

(c) If any environmental, water quality, or any other regulatory or statutory requirement impacts the ability to convey water to South of the Delta Ag WSCs in accordance with the allocation methodology prescribed in Section (a), nothing herein will prevent additional quantities of water available for allocation to CVP Ag WSCs to be delivered to North of Delta Ag Water Service Contractors, over and above the amounts prescribed in Section (a), up to the maximum quantity provided for in the water service contracts held by the North of Delta Ag Water Service Contractors.

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Deliveries under this language would occur at the following ratios:

	NOD AF	NOD %	SOD AF	SOD %
Totals	371,000 *	100%	1,942,000*	100%
First 300K AF (1N, 2S)	100K	27%	200K	10.3%
Next 400K (1N, 3S)	200K	54%	500K	26%
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[after this, all goes SOD]	371K	100%	1.184M	61%

* = Total Contract amounts for NOD Ag WSCs and SOD Ag WSCs

(a) In General.--Subject to the absolute priority of (1) individuals or entities with the senior Sacramento River water rights, including those with Sacramento River Settlement Contracts~~ers~~, to the diversion and use of Sacramento River water and supplies~~supplies~~ over the Central Valley Projects diversions and (2) the United States obligation to make a substitute supply of water available to the San Joaquin River Exchange Contractors and other south-of-Delta settlement contractors, the Secretary is directed, in the operation of the Central Valley Project, to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors as prescribed below:

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TITLE V — WATER RIGHTS PROTECTIONS

SEC. 502. AREA OF ORIGIN PROTECTIONS.

~~(a)~~ ~~(a)~~—The Secretary of the Interior (Secretary) is directed in the operation of the Central Valley Project (CVP) to adhere to California’s water rights laws governing water rights priorities ~~by honoring~~ and to honor water rights senior to those held by the United States for operation of the CVP, regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2, Article 1.7 (commencing with section 1215 of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462 and 11463, and Sections 12200 to 12220, inclusive).

~~(b)~~ Any action by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531, et seq.) that requires that diversions from the Sacramento River and the San Joaquin River watersheds above the Delta be bypassed or that involves the release of water from any CVP water storage facility ~~taken by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531, et seq.)~~ shall be ~~applied~~ undertaken in a manner that is consistent with water rights priorities established by California law.

~~(c)~~ With respect to individuals and entities on the Sacramento River, the mandates of this Section may be met, in whole or in part, through a contract with the Secretary pursuant to Section 14 of Public Law 76-260, Act of August 4, 1958, 53 Stat.

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1187 (43 USC § 389) that is in conformance with the Sacramento River Settlement Contracts renewed by the Secretary in 2005.

SEC. 503. NO REDIRECTED ADVERSE IMPACTS.

(a) The Secretary shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this Act, including, but not limited to, such actions under the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) as amended, and other federal laws, shall not ~~cause redirected adverse water supply or fiscal impacts to those within the Sacramento River Watershed or the State Water Project service area~~ result in the involuntary reduction of water supply to individuals or districts/entities with senior water rights within the Sacramento River Watershed, the San Joaquin River Watershed or those who receive water from the State Water Project or from the United States under water rights settlement contracts, exchange contracts, water service or repayment contracts.

(b) To the extent that costs are incurred solely pursuant to or as a result of this Act and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(c) Except as provided in this Act, nothing in this Act shall modify or amend the rights and obligations of the parties to any existing water service, repayment, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange contracts and settlement contracts prior to allocation of Central Valley Project yield.

From: Berliner, Thomas M.

Sent: Friday, November 7, 2014 5:20 PM

To: Stuart Somach

CC: Weaver, Kiel; Brent Walthall; Ronald D. Jacobsma; Birmingham, Thomas; David Bernhardt; mitchbutler@naturalresourceresults.com; jbuckman@friantwater.org; Steve Chedester; towater@olaughlinparis.com; [REDACTED]@ [REDACTED] Lombardi, Kyle; Marklund, Chris; Nelson, Damon; Wong, Bryson; Larrabee, Jason; Tudor, Chris; Eastman, Kevin; Berenter, Alexandra

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From: "Weaver, Kiel" <Kiel.Weaver@mail.house.gov>

Date: Tuesday, November 4, 2014 at 1:45 PM

To: "Walthall, Brent" <bwalthall@kcwa.com>, "Ronald D. Jacobsma" <rjacobsma@friantwater.org>, Stuart Somach <ssomach@somachlaw.com>, Thomas Birmingham <tbirmingham@westlandswater.org>, David Bernhardt <dbernhardt@bhfs.com>, "mitchbutler@naturalresourceresults.com" <mitchbutler@naturalresourceresults.com>, Jennifer Buckman <jbuckman@friantwater.org>, "Berliner, Thomas M." <TMBerliner@duanemorris.com>, 'Steve Chedester' <stevededester@sjrecwa.net>, "towater@olaughlinparis.com" <towater@olaughlinparis.com>, "[REDACTED]@ [REDACTED]" <[REDACTED]@ [REDACTED]>

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<Edits to AG Water Service Split.docx>

<11-6-14 SLS Redline of Sections 502, 503[1].docx>

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Sent: Friday, November 7, 2014 5:36 PM

To: Berliner, Thomas M.

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Subject: Re: Request for November 5 Conference call on CA water provisions

I agree. I did not intend to omit those references.

--



Stuart L. Somach | Attorney

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From: "Berliner, Thomas M." <TMBerliner@duanemorris.com>

Date: Friday, November 7, 2014 at 4:19 PM

To: Stuart Somach <ssomach@somachlaw.com>

Cc: "Weaver, Kiel" <Kiel.Weaver@mail.house.gov>, "Walthall, Brent" <bwalthall@kcwa.com>, "Ronald D. Jacobsma" <rjacobsma@friantwater.org>, Thomas Birmingham <tbirmingham@westlandswater.org>, David Bernhardt <dbernhardt@bhfs.com>, "mitchbutler@naturalresourceresults.com" <mitchbutler@naturalresourceresults.com>, Jennifer Buckman <jbuckman@friantwater.org>, Steve Chedester <stevechedester@sjrecwa.net>, "tewater@olaughlinparis.com" <tewater@olaughlinparis.com>, "[REDACTED]@ [REDACTED]" <[REDACTED]@ [REDACTED]>, "Lombardi, Kyle" <Kyle.Lombardi@mail.house.gov>, "Marklund, Chris" <Chris.Marklund@mail.house.gov>, "Nelson, Damon" <Damon.Nelson@mail.house.gov>, "Wong, Bryson" <Bryson.Wong@mail.house.gov>, "Larrabee, Jason" <Jason.Larrabee@mail.house.gov>, "Tudor, Chris" <Chris.Tudor@mail.house.gov>, "Eastman, Kevin" <Kevin.Eastman@mail.house.gov>, "Berenter, Alexandra" <Alexandra.Berenter@mail.house.gov>

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<11-6-14 SLS Redline of Sections 502, 503[1].docx>

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From: Tom Birmingham
Sent: Friday, November 7, 2014 5:41 PM
To: 'Walthall, Brent'; 'Melissa Poole'; 'Weiland, Paul S.'
CC: 'Bernhardt, David L.'
Subject: RE: Section 501

Brent,

I apologize for taking so long to respond to your email. I just returned from a week in Colorado. Your edits to section 501 are acceptable to Westlands.

Tom

From: Walthall, Brent [mailto:bwalthall@kcwa.com]
Sent: Thursday, November 06, 2014 4:53 PM
To: Tom Birmingham; Melissa Poole; Weiland, Paul S.
Subject: Section 501

Hi Tom:

Melissa, Paul and I worked on Section 501 today. We are trying to find a way to protect the SWP, ensure that CESA isn't *de facto* applied to the CVP by an action of DFW, and that neither the SWP nor the CVP gets less water than each would get if DFW had not pulled or modified the CD.

The language we came up with is below.

Can you please take a look at it and give us your thoughts?

Thanks,
Brent

If, as a result of the application of this Act, the California Department of Fish and Wildlife:

- (a) revokes consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;
- (b) amends or issues one or more new consistency determinations pursuant to California Fish and Game Code section 2080.1 in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion; or
- (c) requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion,

and as a consequence of the foregoing, there is an increase in Central Valley Project yield as compared to the yield available to the CVP under the Smelt Biological Opinion and the Salmonid Biological Opinion as those opinions were implemented before enactment of this Act, any such increase shall be shared equally with the State Water Project.

Within 30 days of enactment of this Act, the Secretary shall request written notification from the California Department of Fish and Wildlife indicating whether implementation of this Act will affect the status of consistency determinations for operation of the State Water Project.

From: Tom Birmingham
Sent: Friday, November 7, 2014 5:45 PM
To: 'Tom Birmingham'; 'Walthall, Brent'; 'Melissa Poole'; 'Weiland, Paul S.'
CC: 'Bernhardt, David L.'
Subject: RE: Section 501

Brent,

I apologize again, but on a more careful reading of your language, I do have a problem. This language would result in the de facto application of the state law to the CVP. I propose the following:

and as a consequence of the foregoing, there is an increase in Central Valley Project yield as compared to the yield available to the CVP under the Smelt Biological Opinion and the Salmonid Biological Opinion as those opinions are implemented consistent with this Act, any such increase shall be shared equally with the State Water Project.

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Within 30 days of enactment of this Act, the Secretary shall request written notification from the California Department of Fish and Wildlife indicating whether implementation of this Act will affect the status of consistency determinations for operation of the State Water Project.

From: Walthall, Brent
Sent: Monday, November 10, 2014 9:50 AM
To: Tom Birmingham; Melissa Poole; 'Weiland, Paul S.'
CC: 'Bernhardt, David L.'
Subject: RE: Section 501

No Problem. We have to get this right for both agencies.

I'll take a look and get back to you.

I hope Colorado was fun. You may recall I went to engineering school in Boulder. What a beautiful state. I'd live there again in a heartbeat.

Brent

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Friday, November 07, 2014 4:45 PM
To: 'Tom Birmingham'; Walthall, Brent; Melissa Poole; 'Weiland, Paul S.'
Cc: 'Bernhardt, David L.'
Subject: RE: Section 501

Brent,

I apologize again, but on a more careful reading of your language, I do have a problem. This language would result in the de facto application of the state law to the CVP. I propose the following:

and as a consequence of the foregoing, there is an increase in Central Valley Project yield as compared to the yield available to the CVP under the Smelt Biological Opinion and the Salmonid Biological Opinion as those opinions are implemented consistent with this Act, any such increase shall be shared equally with the State Water Project.

Tom

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Friday, November 07, 2014 4:41 PM
To: 'Walthall, Brent'; 'Melissa Poole'; 'Weiland, Paul S.'
Cc: 'Bernhardt, David L.'
Subject: RE: Section 501

Brent,

I apologize for taking so long to respond to your email. I just returned from a week in Colorado. Your edits to section 501 are acceptable to Westlands.

Tom

From: Walthall, Brent [mailto:bwalthall@kcwa.com]
Sent: Thursday, November 06, 2014 4:53 PM
To: Tom Birmingham; Melissa Poole; Weiland, Paul S.
Subject: Section 501

Hi Tom:

Melissa, Paul and I worked on Section 501 today. We are trying to find a way to protect the SWP, ensure that CESA isn't *de facto* applied to the CVP by an action of DFW, and that neither the SWP nor the CVP gets less water than each would get if DFW had not pulled or modified the CD.

The language we came up with is below.

Can you please take a look at it and give us your thoughts?

Thanks,
Brent

If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(a) revokes consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

(b) amends or issues one or more new consistency determinations pursuant to California Fish and Game Code section 2080.1 in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion; or

(c) requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion,

and as a consequence of the foregoing, there is an increase in Central Valley Project yield as compared to the yield available to the CVP under the Smelt Biological Opinion and the Salmonid Biological Opinion as those opinions were implemented before enactment of this Act, any such increase shall be shared equally with the State Water Project.

Within 30 days of enactment of this Act, the Secretary shall request written notification from the California Department of Fish and Wildlife indicating whether implementation of this Act will affect the status of consistency determinations for operation of the State Water Project.

From: Walthall, Brent

Sent: Monday, November 10, 2014 3:50 PM

To: Weaver, Kiel; Birmingham, Thomas (tbirmingham@westlandswater.org); Mitch Butler - Natural Resource Results (mitchbutler@naturalresourceresults.com); towater@olaughlinparis.com; [REDACTED]@ [REDACTED] David Bernhardt; Ronald Jacobsma; Jennifer T. Buckman - Friant (jbuckman@friantwater.org); Stuart L. Somach (ssomach@somachlaw.com); stevechedester@sjrecwa.net; tmberliner@duanemorris.net

CC: john_watts@feinstein.senate.gov

Subject: RE: Title V -- picking up where left off

Hi Kiel and John:

I can do tomorrow at 2:00 DC time, 11:00 California time.

Wednesday is our board meeting day and would be difficult until after 4:30 or so California time, but that is 7:30 p.m. your time.

Thursday is good all day.

Brent

From: Weaver, Kiel [mailto:Kiel.Weaver@mail.house.gov]

Sent: Monday, November 10, 2014 2:35 PM

To: Walthall, Brent; Birmingham, Thomas (tbirmingham@westlandswater.org); Mitch Butler - Natural Resource Results (mitchbutler@naturalresourceresults.com); towater@olaughlinparis.com; [REDACTED]@ [REDACTED] David Bernhardt; Ronald Jacobsma; Jennifer T. Buckman - Friant (jbuckman@friantwater.org); Stuart L. Somach (ssomach@somachlaw.com); stevechedester@sjrecwa.net; tmberliner@duanemorris.net

Cc: john_watts@feinstein.senate.gov

Subject: Title V -- picking up where left off

All,

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However, I think there's still some confusion and, thus, the need to have a conversation.

To that end, John Watts and I would like to do a conference call Tuesday at 2pm (DC time) or Wednesday at 1pm (DC time) to figure out where we are and to take further steps toward resolution on Title V.

Tomorrow is Veterans Day, as you know. However, we can still do a conference call at 2pm DC time if we have a sizable quorum. If this doesn't work for most of you, can we try for 1pm DC time on Wednesday.

Please let me know your availability for both times so we can schedule something. when we schedule it, I will send the most recent version that the House sent to the Feinstein office.

Let me know. Thanks

From: Tom Birmingham

Sent: Monday, November 10, 2014 3:55 PM

To: 'Weaver, Kiel'; 'Brent Walthall'; 'Mitch Butler - Natural Resource Results'; towater@olaughlinparis.com; [REDACTED]@ [REDACTED] [REDACTED] 'David Bernhardt'; 'Ronald D. Jacobsma CPA'; 'Jennifer T. Buckman - Friant'; 'Stuart L. Somach'; stevededester@sjrecwa.net; tmberliner@duanemorris.net

CC: john_watts@feinstein.senate.gov

Subject: RE: Title V -- picking up where left off

I am available and happy to participate.

From: Weaver, Kiel [mailto:Kiel.Weaver@mail.house.gov]

Sent: Monday, November 10, 2014 2:35 PM

To: Brent Walthall (bwalthall@kcwa.com); Birmingham, Thomas (tbirmingham@westlandswater.org); Mitch Butler - Natural Resource Results (mitchbutler@naturalresourcesresults.com); towater@olaughlinparis.com; [REDACTED]@ [REDACTED] [REDACTED] David Bernhardt; Ronald D. Jacobsma CPA (rjacobsma@friantwater.org); Jennifer T. Buckman - Friant (jbuckman@friantwater.org); Stuart L. Somach (ssomach@somachlaw.com); stevededester@sjrecwa.net; tmberliner@duanemorris.net

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Let me know. Thanks

From: Walthall, Brent

Sent: Monday, November 10, 2014 3:56 PM

To: Weaver, Kiel; Lombardi, Kyle; Marklund, Chris; Butler, Jessica

CC: Birmingham, Thomas (tbirmingham@westlandswater.org)

Subject: RE: Title V -- picking up where left off

Hi Kiel, Kyle, Chris and Jessica:

Just to keep you in the loop, Tom Birmingham and I exchanged emails over the weekend and the language Kern proposed on SWP Protection did not work for WWD, so Tom and I are trying to get together to work it out. I'm still optimistic

As for the Area of Origin language, not sure where that stands. I'm less optimistic

Brent

From: Weaver, Kiel [mailto:Kiel.Weaver@mail.house.gov]

Sent: Monday, November 10, 2014 2:35 PM

To: Walthall, Brent; Birmingham, Thomas (tbirmingham@westlandswater.org); Mitch Butler - Natural Resource Results (mitchbutler@naturalresourceresults.com); towater@olaughlinparis.com; [REDACTED]@ [REDACTED] David Bernhardt; Ronald Jacobsma; Jennifer T. Buckman - Friant (jbuckman@frianwater.org); Stuart L. Somach (ssomach@somachlaw.com); stevechedester@sjrecwa.net; tmberliner@duanemorris.net

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From: Ronald D. Jacobsma

Sent: Monday, November 10, 2014 3:58 PM

To: Walthall, Brent; Weaver, Kiel; Birmingham, Thomas (tbirmingham@westlandswater.org); Mitch Butler - Natural Resource Results (mitchbutler@naturalresourceresults.com); towater@olaughlinparis.com; [REDACTED]@ [REDACTED] David Bernhardt; Jennifer Buckman; Stuart L. Somach (ssomach@somachlaw.com); stevechedester@sjrecwa.net; tmberliner@duanemorris.net

CC: john_watts@feinstein.senate.gov

Subject: RE: Title V -- picking up where left off

Tomorrow would be preferable for me as well.

Ronald D. Jacobsma

General Manager

Friant Water Authority

O: 559-562-6305

C: 559-[REDACTED]-[REDACTED]

From: Walthall, Brent [<mailto:bwalthall@kcwa.com>]

Sent: Monday, November 10, 2014 2:50 PM

To: Weaver, Kiel; Birmingham, Thomas (tbirmingham@westlandswater.org); Mitch Butler - Natural Resource Results (mitchbutler@naturalresourceresults.com); towater@olaughlinparis.com; [REDACTED]@ [REDACTED] David Bernhardt; Ronald D. Jacobsma; Jennifer Buckman; Stuart L. Somach (ssomach@somachlaw.com); stevechedester@sjrecwa.net; tmberliner@duanemorris.net

Cc: john_watts@feinstein.senate.gov

Subject: RE: Title V -- picking up where left off

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From: Steve Chedester

Sent: Monday, November 10, 2014 4:43 PM

To: Weaver, Kiel

CC: Brent Walthall (bwalthall@kcwa.com); Birmingham, Thomas (tbirmingham@westlandswater.org); Mitch Butler - Natural Resource Results (mitchbutler@naturalresourceresults.com); towater@olaughlinparis.com; [REDACTED]@ [REDACTED] [REDACTED] David Bernhardt; Ronald D. Jacobsma CPA (rjacobsma@friantwater.org); Jennifer T. Buckman - Friant (jbuckman@friantwater.org); Stuart L. Somach (ssomach@somachlaw.com) ; Steve Chedester; tmberliner@duanemorris.net; john_watts@feinstein.senate.gov

Subject: Re: Title V -- picking up where left off

Either time works

Steve Chedester

SJRECWA

Sent from iPhone

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Let me know. Thanks

From: Jeff Sutton

Sent: Monday, November 10, 2014 7:13 PM

To: Steve Chedester; Weaver, Kiel

CC: Brent Walthall (bwalthall@kcwa.com); Birmingham, Thomas (tbirmingham@westlandswater.org); Mitch Butler - Natural Resource Results (mitchbutler@naturalresourceresults.com); towater@olaughlinparis.com; David Bernhardt; Ronald D. Jacobsma CPA (rjacobsma@friantwater.org); Jennifer T. Buckman - Friant (jbuckman@friantwater.org); Stuart L. Somach (ssomach@somachlaw.com); tmberliner@duanemorris.net; john_watts@feinstein.senate.gov; Jeff Sutton

Subject: Re: Title V -- picking up where left off

Apologies, I have an appointment at 11 am tomorrow that I cannot move, but can do the Wednesday time.

On Monday, November 10, 2014 3:43 PM, Steve Chedester <stevechedester@sjrecwa.net> wrote:

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Steve Chedester

SJRECWA

Sent from iPhone

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From: Walthall, Brent
Sent: Tuesday, November 11, 2014 8:39 AM
To: Birmingham, Thomas (tbirmingham@westlandswater.org)
CC: Melissa Poole
Subject: FW: Section 501

Hi Tom:

Do you have time to talk about this section (below) before the DC call this morning? Anytime after about 9:00 works for me assuming my 8:00 ends on time.

Thanks,
Brent

From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]
Sent: Friday, November 07, 2014 4:45 PM
To: 'Tom Birmingham'; Walthall, Brent; Melissa Poole; 'Weiland, Paul S.'
Cc: 'Bernhardt, David L.'
Subject: RE: Section 501

Brent,

I apologize again, but on a more careful reading of your language, I do have a problem. This language would result in the de facto application of the state law to the CVP. I propose the following:

and as a consequence of the foregoing, there is an increase in Central Valley Project yield as compared to the yield available to the CVP under the Smelt Biological Opinion and the Salmonid Biological Opinion as those opinions are implemented consistent with this Act, any such increase shall be delivered to ~~shared equally with~~ the State Water Project.

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Cc: 'Bernhardt, David L.'
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The language we came up with is below.

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Thanks,
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(a) revokes consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

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(c) requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion,

and as a consequence of the foregoing, there is an increase in Central Valley Project yield as compared to the yield available to the CVP under the Smelt Biological Opinion and the Salmonid Biological Opinion as those opinions were implemented before enactment of this Act, any such increase shall be shared equally with the State Water Project.

Within 30 days of enactment of this Act, the Secretary shall request written notification from the California Department of Fish and Wildlife indicating whether implementation of this Act will affect the status of consistency determinations for operation of the State Water Project.

From: Stuart Somach
Sent: Tuesday, November 11, 2014 11:10 AM
To: Weaver, Kiel; john_watts@feinstein.senate.gov
CC: Brent Walthall; Birmingham, Thomas; Mitch Butler - Natural Resource Results; towater@olaughlinparis.com; [REDACTED]@ [REDACTED] David Bernhardt; Ronald D. Jacobsma CPA; Jennifer T. Buckman - Friant; tmberliner@duanemorris.net; Steve Chedester
Subject: Re: Title V -- picking up where left off
Attachments: Edits to AG Water Service Split.docx; 11-6-14 SLS Redline of Sections 502, 503[1].docx

Importance: High

I am re-sending the redlines that I sent last week for everyone's convenience. These do **not** include the needed changes that Tom pointed out last week. I am away from my office na could not further edit from where I am.

--



Stuart L. Somach | Attorney

500 Capitol Mall, Suite 1000 | Sacramento, CA 95814
Office 916.446.7979 | **Cell** [REDACTED] | **Fax** 916.446.8199 |
ssomach@somachlaw.com
<http://www.somachlaw.com>

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From: "Weaver, Kiel" <Kiel.Weaver@mail.house.gov>
Date: Monday, November 10, 2014 at 5:35 PM
To: Steve Chedester <stevechedester@sjrecwa.net>
Cc: "Walthall, Brent" <bwalthall@kcwa.com>, Thomas Birmingham <tbirmingham@westlandswater.org>, "Mitch Butler - Natural Resource Results" (mitchbutler@naturalresourceresults.com) <mitchbutler@naturalresourceresults.com>, "towater@olaughlinparis.com" <towater@olaughlinparis.com>, "[REDACTED]@ [REDACTED]" <[REDACTED]@ [REDACTED]>, David Bernhardt <dbernhardt@bhfs.com>, "Ronald D. Jacobsma CPA" (rjacobsma@friantwater.org) <rjacobsma@friantwater.org>, Jennifer Buckman <jbuckman@friantwater.org>, Stuart Somach <ssomach@somachlaw.com>, "tmberliner@duanemorris.net" <tmberliner@duanemorris.net>, John Watts <john_watts@feinstein.senate.gov>
Subject: RE: Title V -- picking up where left off

ok. thanks for being flexible everyone. I will send an email invite out shortly for tomorrow 2pm (dc time) call.

The document we can start with is something Jennifer Buckman put together that reflects last week's conference call. I realize that there were subsequent emails thereafter....

From: Steve Chedester [stevechedester@sjrecwa.net]
Sent: Monday, November 10, 2014 6:43 PM

To: Weaver, Kiel

Cc: Brent Walthall (bwalthall@kcwa.com); Birmingham, Thomas (tbirmingham@westlandswater.org); Mitch Butler - Natural Resource Results (mitchbutler@naturalresourceresults.com); towater@olaughlinparis.com; [REDACTED]@ [REDACTED]; David Bernhardt; Ronald D. Jacobsma CPA (rjacobsma@friantwater.org); Jennifer T. Buckman - Friant (jbuckman@friantwater.org); Stuart L. Somach (ssomach@somachlaw.com) ; Steve Chedester; tmberliner@duanemorris.net; john_watts@feinstein.senate.gov

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Let me know. Thanks

(a) In General.--Subject to the absolute priority of (1) individuals or entities with the senior Sacramento River water rights, including those with Sacramento River Settlement Contracts~~ers~~, to the diversion and use of Sacramento River water and supplies~~supplies~~ over the Central Valley Projects diversions and (2) the United States obligation to make a substitute supply of water available to the San Joaquin River Exchange Contractors and other south-of-Delta settlement contractors, the Secretary is directed, in the operation of the Central Valley Project, to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors as prescribed below:

(1) The first 300,000 acre feet of CVP water available for allocation to CVP Agricultural water service contractors will be allocated proportionately and concurrently as follows: One acre foot to North of Delta Ag WSCs, Two acre feet to South of Delta Ag WSCs

(2) The next 400,000 acre feet of CVP water available for allocation to CVP Agricultural water service contractors will be allocated proportionately and concurrently as follows: One acre foot to North of Delta Ag WSCs, Three acre feet to South of Delta Ag WSCs

(3) All additional quantities of CVP water available for allocation to CVP Agricultural water service contractors will be allocated proportionately and concurrently as follows: One acre foot to North of Delta Ag WSCs, Four acre feet to South Delta Ag WSCs, up to the contract total.

(b) Definitions.--In this section:

(1) The term ``existing Central Valley Project agricultural water service contractors'' means all agricultural water service contractors within the CVP, both North and South of the Delta, that have a water service contract in effect, on the date of the enactment of this section, that provides water for the purpose of irrigation.

(c) If any environmental, water quality, or any other regulatory or statutory requirement impacts the ability to convey water to South of the Delta Ag WSCs in accordance with the allocation methodology prescribed in Section (a), nothing herein will prevent additional quantities of water available for allocation to CVP Ag WSCs to be delivered to

North of Delta Ag Water Service Contractors, over and above the amounts prescribed in Section (a), up to the maximum quantity provided for in the water service contracts held by the North of Delta Ag Water Service Contractors.

[With this approach, I don't think we would still need the old section (b) addressing American River Division and M & I Shortage policy language, but I would have no objection if it needed to be added].

Deliveries under this language would occur at the following ratios:

%	SOD AF	NOD AF SOD %	NOD
Totals		371,000	
* 100%		1,942,000*	100%
First 300K AF (1N, 2S)	100K	27%	200K
10.3%			
Next 400K (1N, 3S)	200K	54%	500K
26%			
Next 500K (1N, 4S)	300K	81%	900K
46%			
[after this, all goes SOD]	371K	100%	1.184M
61%			

* = Total Contract amounts for NOD Ag WSCs and SOD Ag WSCs

TITLE V — WATER RIGHTS PROTECTIONS

SEC. 502. AREA OF ORIGIN PROTECTIONS.

(a) ~~(a)~~—The Secretary of the Interior (Secretary) is directed in the operation of the Central Valley Project (CVP) to adhere to California’s water rights laws governing water rights priorities ~~by honoring~~ and to honor water rights senior to those held by the United States for operation of the CVP, regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2, Article 1.7 (commencing with section 1215 of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462 and 11463, and Sections 12200 to 12220, inclusive).

(b) Any action by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531, et seq.) that requires that diversions from the Sacramento River and the San Joaquin River watersheds above the Delta be bypassed or that involves the release of water from any CVP water storage facility ~~taken by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531, et seq.)~~ shall be applied ~~undertaken~~ in a manner that is consistent with water rights priorities established by California law.

(c) With respect to individuals and entities on the Sacramento River, the mandates of this Section may be met, in whole or in part, through a contract with the Secretary pursuant to Section 14 of Public Law 76-260, Act of August 4, 1958, 53 Stat.

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SEC. 503. NO REDIRECTED ADVERSE IMPACTS.

(a) The Secretary shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this Act, including, but not limited to, such actions under the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) as amended, and other federal laws, shall not ~~cause redirected adverse water supply or fiscal impacts to those within the Sacramento River Watershed or the State Water Project service area~~ result in the involuntary reduction of water supply to individuals or districts/entities with senior water rights within the Sacramento River Watershed, the San Joaquin River Watershed or those who receive water from the State Water Project or from the United States under water rights settlement contracts, exchange contracts, water service or repayment contracts.

(b) To the extent that costs are incurred solely pursuant to or as a result of this Act and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(c) Except as provided in this Act, nothing in this Act shall modify or amend the rights and obligations of the parties to any existing water service, repayment, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange contracts and settlement contracts prior to allocation of Central Valley Project yield.

From: Bernhardt, David L.
Sent: Tuesday, November 11, 2014 12:05 PM
To: Thomas W. Birmingham (tbirmingham@westlandswater.org)
Subject: Never mind

Never mind, you just got on.

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

From: Tom Birmingham
Sent: Tuesday, November 11, 2014 12:07 PM
To: 'Bernhardt, David L.'
Subject: RE: Never mind

I had a problem with the pass code. Sorry for delay.

From: Bernhardt, David L. [mailto:DBernhardt@BHFS.com]
Sent: Tuesday, November 11, 2014 11:05 AM
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To: 'Stuart L. Somach '
Subject: FW: Title V -- picking up where left off
Attachments: Title V - redline showing changes agreed to on group 11-5-14 calls.docx

From: Weaver, Kiel [mailto:Kiel.Weaver@mail.house.gov]
Sent: Monday, November 10, 2014 5:35 PM
To: Steve Chedester
Cc: Brent Walthall (bwalthall@kcwa.com); Birmingham, Thomas (tbirmingham@westlandswater.org); Mitch Butler - Natural Resource Results (mitchbutler@naturalresourceresults.com); towater@olaughlinparis.com; [REDACTED]@[REDACTED]; David Bernhardt; Ronald D. Jacobsma CPA (rjacobsma@friantwater.org); Jennifer T. Buckman - Friant (jbuckman@friantwater.org); Stuart L. Somach (ssomach@somachlaw.com) ; tmberliner@duanemorris.net; john_watts@feinstein.senate.gov
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Please let me know your availability for both times so we can schedule something. when we schedule it, I will send the most recent version that the House sent to the Feinstein office.

Let me know. Thanks

TITLE V—WATER RIGHTS PROTECTIONS

SEC. 501. PROTECTIONS FOR STATE WATER PROJECT CONTRACTORS.

If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(a) revokes the consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

(b) amends or issues one or more new consistency determinations pursuant to California Fish and Game Code section 2080.1 in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion; or

(c) requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion, and as a consequence, there is an increase in Central Valley Project yield, any such increase shall be shared equally with the State Water Project. ~~Prior to~~ Within 30 days of implementing this Act, the Secretary shall request written notification from the California Department of Fish and Wildlife indicating whether implementation of this Act will affect the status of consistency determinations for operation of the State Water Project.

SEC. 502. AREA OF ORIGIN PROTECTIONS.

(a) The Secretary of the Interior (Secretary) is directed in the operation of the Central Valley Project (CVP) to adhere to California's water rights laws governing water rights priorities ~~and to by honoring water rights senior to those held by the United States for operation of the CVP,~~ regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2. Article 1.7 (commencing with section 1215 of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462 and 11463, and Sections 12200 to 12220, inclusive).

(b) ~~Any action that requires that diversions be bypassed or that involves the release of water from any CVP water storage facility taken by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.) shall be applied in a manner that is consistent with water rights priorities established by California law. [Stuart Somach to provide NCWA redraft of this language consistent with the group's discussion.]~~

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SEC. 503. NO REDIRECTED ADVERSE IMPACTS.

(a) The Secretary shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this Act, including, but not limited to, such actions under the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) as amended and other federal

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laws, shall not result in the involuntary reduction of water supply or fiscal impacts to individuals or districts who receive water from the State Water Project or from the United States under water rights settlement contracts, exchange contracts, water service or repayment contracts or cause redirected adverse water supply or fiscal impacts to those within the Sacramento River watershed, the San Joaquin River watershed or the State Water Project service area.

(b) To the extent that costs are incurred solely pursuant to or as a result of this Act and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(c) ~~Except as provided in this Act, n~~Nothing in this Act shall modify or amend the rights and obligations of the parties to any existing water service, repayment, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange contracts and settlement contracts prior to the allocation of any other Central Valley Project ~~yield water.~~ [This language was developed in the call immediately following the large group call, per the request made to the representatives of Westlands, the Exchange Contractors, Friant and Kern.]

SEC. 504. EFFECT ON STATE LAWS.

Nothing in this Act preempts ~~any State law in effect on the date of enactment of this Act~~ or modifies any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law including established water rights priorities.

SEC. 505. [TCCA PROPOSED LANGUAGE].

[This language was provided separately. Refinements to this language were worked out after the group call by the representatives of Westlands, the Exchange Contractors, Friant and Kern.]

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From: Tom Birmingham

Sent: Tuesday, November 11, 2014 12:42 PM

To: 'Weaver, Kiel'

CC: 'Stuart L. Somach'; john_watts@feinstein.senate.gov; 'Brent Walthall'; 'Birmingham, Thomas'; 'Mitch Butler - Natural Resource Results'; towater@olaughlinparis.com; [REDACTED]@ [REDACTED] [REDACTED] 'David Bernhardt'; 'Ronald D. Jacobsma CPA'; 'Jennifer T. Buckman - Friant'; tmberliner@duanemorris.net; 'Steve Chedester'

Subject: FW: Title V -- picking up where left off

Attachments: 11-6-14 SLS Redline of Sections 502, 503[1].docx

Importance: High

Here are the changes to section 503(b) and 503(c) we discussed.

From: Stuart Somach [mailto:ssomach@somachlaw.com]

Sent: Tuesday, November 11, 2014 10:10 AM

To: Weaver, Kiel; john_watts@feinstein.senate.gov

Cc: Brent Walthall; Birmingham, Thomas; Mitch Butler - Natural Resource Results; towater@olaughlinparis.com; [REDACTED]@ [REDACTED] [REDACTED] David Bernhardt; Ronald D. Jacobsma CPA; Jennifer T. Buckman - Friant; tmberliner@duanemorris.net; Steve Chedester

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Date: Monday, November 10, 2014 at 5:35 PM

To: Steve Chedester <stevechedester@sjrecwa.net>

Cc: "Walthall, Brent" <bwalthall@kcwa.com>, Thomas Birmingham <tbirmingham@westlandswater.org>, "Mitch Butler - Natural Resource Results" (mitchbutler@naturalresourceresults.com) <mitchbutler@naturalresourceresults.com>, "towater@olaughlinparis.com" <towater@olaughlinparis.com>, [REDACTED]@ [REDACTED] [REDACTED] < [REDACTED]@ [REDACTED] [REDACTED]>, David Bernhardt <dbernhardt@bhfs.com>, "Ronald D. Jacobsma CPA" (rjacobsma@friantwater.org)

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TITLE V — WATER RIGHTS PROTECTIONS

SEC. 502. AREA OF ORIGIN PROTECTIONS.

(b) Any action by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531, et seq.) that requires that diversions from the Sacramento River ~~or and~~ the San Joaquin River watersheds ~~upstream of above the Delta~~ be bypassed ~~or that involves the release of water from any CVP water storage facility taken by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531, et seq.)~~ shall be ~~applied~~ undertaken in a manner that is consistent with water rights priorities established by California law.

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(c) With respect to individuals and entities with water rights on the Sacramento River, the mandates of this Section may be met, in whole or in part, through a contract with the Secretary executed pursuant to Section 14 of Public Law 76-260, ~~Act of August 4, 418~~, 53 Stat. 1187 (43 USC § 389) that is in conformance with the Sacramento River Settlement Contracts renewed by the Secretary in 2005.

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Sent: Tuesday, November 11, 2014 1:04 PM
To: 'Tom Berliner'
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Attachments: 11-6-14 SLS Redline of Sections 502, 503[1].docx

Importance: High

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Attachments: Title V - redline showing changes agreed to on group 11-11-14 calls.docx

Importance: High

All, attached is the redrafted version of Title V, per our discussion this morning. Please note that I have corrected the email addresses for Jeff Sutton to use his work email as well as for Tom Berliner. Please let me know if you see any areas where I have failed to capture accurately the outcome of today's group discussion. Thanks – Jeni

Jennifer T. Buckman, Esq.
General Counsel
Friant Water Authority
916.382.4344
916.804.0173 (cell)

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]

Sent: Tuesday, November 11, 2014 11:42 AM

To: 'Weaver, Kiel'

Cc: 'Stuart L. Somach '; john_watts@feinstein.senate.gov; 'Brent Walthall'; 'Birmingham, Thomas'; 'Mitch Butler - Natural Resource Results'; towater@olaughlinparis.com; [REDACTED]@ [REDACTED] [REDACTED] 'David Bernhardt'; Ronald D. Jacobsma; Jennifer Buckman; tmberliner@duanemorris.net; 'Steve Chedester'

Subject: FW: Title V -- picking up where left off

Importance: High

Here are the changes to section 503(b) and 503(c) we discussed.

From: Stuart Somach [mailto:ssomach@somachlaw.com]

Sent: Tuesday, November 11, 2014 10:10 AM

To: Weaver, Kiel; john_watts@feinstein.senate.gov

Cc: Brent Walthall; Birmingham, Thomas; Mitch Butler - Natural Resource Results; towater@olaughlinparis.com;

[REDACTED]@ [REDACTED] [REDACTED] David Bernhardt; Ronald D. Jacobsma CPA; Jennifer T. Buckman - Friant;

tmberliner@duanemorris.net; Steve Chedester

Subject: Re: Title V -- picking up where left off

Importance: High

I am re-sending the redlines that I sent last week for everyone's convenience. These do **not** include the needed changes that Tom pointed out last week. I am away from my office and could not further edit from where I am.

--



Stuart L. Somach | Attorney

500 Capitol Mall, Suite 1000 | Sacramento, CA 95814
Office 916.446.7979 | **Cell** [REDACTED] | **Fax** 916.446.8199 |
ssomach@somachlaw.com
<http://www.somachlaw.com>

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From: "Weaver, Kiel" <Kiel.Weaver@mail.house.gov>
Date: Monday, November 10, 2014 at 5:35 PM
To: Steve Chedester <stevechedester@sjrecwa.net>
Cc: "Walthall, Brent" <bwalthall@kcwa.com>, Thomas Birmingham <tbirmingham@westlandswater.org>, "Mitch Butler - Natural Resource Results" (mitchbutler@naturalresourceresults.com) <mitchbutler@naturalresourceresults.com>, "towater@olaughlinparis.com" <towater@olaughlinparis.com>, "[REDACTED]@[REDACTED]" <[\[REDACTED\]@\[REDACTED\]](mailto:[REDACTED]@[REDACTED])>, David Bernhardt <dbernhardt@bhfs.com>, "Ronald D. Jacobsma CPA" (rjacobsma@friantwater.org) <rjacobsma@friantwater.org>, Jennifer Buckman <jbuckman@friantwater.org>, Stuart Somach <ssomach@somachlaw.com>, "tmberliner@duanemorris.net" <tmberliner@duanemorris.net>, John Watts <john_watts@feinstein.senate.gov>
Subject: RE: Title V -- picking up where left off

ok. thanks for being flexible everyone. I will send an email invite out shortly for tomorrow 2pm (dc time) call.

The document we can start with is something Jennifer Buckman put together that reflects last week's conference call. I realize that there were subsequent emails thereafter....

From: Steve Chedester [stevechedester@sjrecwa.net]
Sent: Monday, November 10, 2014 6:43 PM
To: Weaver, Kiel
Cc: Brent Walthall (bwalthall@kcwa.com); Birmingham, Thomas (tbirmingham@westlandswater.org); Mitch Butler - Natural Resource Results (mitchbutler@naturalresourceresults.com); towater@olaughlinparis.com; jsutton90@yahoo.com; David Bernhardt; Ronald D. Jacobsma CPA (rjacobsma@friantwater.org); Jennifer T. Buckman - Friant (jbuckman@friantwater.org); Stuart L. Somach (ssomach@somachlaw.com) ; Steve Chedester; tmberliner@duanemorris.net; john_watts@feinstein.senate.gov
Subject: Re: Title V -- picking up where left off

Either time works

Steve Chedester
SJRECWA
Sent from iPhone

On Nov 10, 2014, at 2:34 PM, Weaver, Kiel <Kiel.Weaver@mail.house.gov> wrote:

All,

We made some good progress last week on getting some resolution to Title V of the pending California water bill.

However, I think there's still some confusion and, thus, the need to have a conversation.

To that end, John Watts and I would like to do a conference call Tuesday at 2pm (DC time) or Wednesday at 1pm (DC time) to figure out where we are and to take further steps toward resolution on Title V.

Tomorrow is Veterans Day, as you know. However, we can still do a conference call at 2pm DC time if we have a sizable quorum. If this doesn't work for most of you, can we try for 1pm DC time on Wednesday.

Please let me know your availability for both times so we can schedule something. when we schedule it, I will send the most recent version that the House sent to the Feinstein office.

Let me know. Thanks

This communication, including any attachments or embedded links, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is strictly prohibited. If you have received this communication in error, please do not download any attachments or embedded links, notify the sender immediately by return e-mail message or call, and delete the original and all copies of the communication from your system. Thank you for your anticipated cooperation.

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TITLE V—WATER RIGHTS PROTECTIONS

SEC. 501. PROTECTIONS FOR STATE WATER PROJECT CONTRACTORS.

If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(a) revokes the consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

(b) amends or issues one or more new consistency determinations pursuant to California Fish and Game Code section 2080.1 in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion; or

(c) requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion, and as a consequence, there is an increase in Central Valley Project yield, any such increase shall be shared equally with the State Water Project. ~~Prior to~~ Within 30 days of implementing this Act, the Secretary shall request written notification from the California Department of Fish and Wildlife indicating whether implementation of this Act will affect the status of consistency determinations for operation of the State Water Project. [Brent and Tom Birmingham are still trading emails on this and may have changes to the language]

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SEC. 502. AREA OF ORIGIN PROTECTIONS.

(a) The Secretary of the Interior (Secretary) is directed in the operation of the Central Valley Project (CVP) to adhere to California's water rights laws governing water rights priorities ~~and to by honoring water rights senior to those held by the United States for operation of the CVP,~~ regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2, Article 1.7 (commencing with section 1215 of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462 and 11463, and Sections 12200 to 12220, inclusive).

(b) [Any action by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531, et seq.) that requires that diversions from the Sacramento River and/or the San Joaquin River watersheds aboveupstream of the Delta be bypassed or that involves the release of water from any CVP water storage facility shall be undertaken in a manner that is consistent with water rights priorities established by California law. [Stuart and Brent to have follow up discussion]

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(c) With respect to individuals and entities with water rights on the Sacramento River, the mandates of this Section may be met, in whole or in part, through a contract with the Secretary executed pursuant to Section 14 of Public Law 76-260, 53 Stat. 1187 (43 USC § 389) that is in conformance with the Sacramento River Settlement Contracts renewed by the Secretary in 2005.

CONFIDENTIAL DRAFT LANGUAGE – DO NOT DISTRIBUTE

1 SEC. 503. NO REDIRECTED ADVERSE IMPACTS.

- 2 (a) The Secretary shall ensure that, except as otherwise provided for in a water service or
3 repayment contract, actions taken in compliance with legal obligations imposed pursuant
4 to or as a result of this Act, including, but not limited to, such actions under Section 7 of
5 the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) as amended and other
6 federal laws, shall not result in the involuntary reduction of water supply or fiscal impacts
7 to individuals or districts who receive water from the State Water Project or from the
8 United States under water rights settlement contracts, exchange contracts, water service or
9 repayment contracts or cause redirected adverse water supply or fiscal impacts to those
10 within the Sacramento River watershed, the San Joaquin River watershed or the State
11 Water Project service area.
12 (b) To the extent that costs are incurred solely pursuant to or as a result of this Act and would
13 not otherwise have been incurred by any entity or public or local agency or subdivision of
14 the State of California, such costs shall not be borne by any such entity, agency, or
15 subdivision of the State of California, unless such costs are incurred on a voluntary basis.
16 (c) ~~Except as provided in this Act, n~~Nothing in this Act shall modify or amend the rights and
17 obligations of the parties to any existing water service, repayment, settlement, purchase, or
18 exchange contract with the United States, including the obligation to satisfy exchange
19 contracts and settlement contracts prior to the allocation of any other Central Valley
20 Project ~~yield~~ water.

21 SEC. 504. EFFECT ON STATE LAWS.

22 Nothing in this Act preempts ~~any State law in effect on the date of enactment of this Act or~~
23 ~~modifies any existing obligation of the United States under Federal reclamation law to operate~~
24 ~~the Central Valley Project in conformity with State law including established water rights~~
25 ~~priorities. [John objects to the deletion: there will be follow up discussion with Kyle Lombardi~~
26 ~~when he is available.]~~
27

28 SEC. 505. [TCCA PROPOSED LANGUAGE].

29 ~~[Tom Birmingham and Jeff Sutton are working on redrafting language and will have it out to~~
30 ~~the group for review and comment by Thursday.]~~
31

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From: Tom Birmingham

Sent: Wednesday, November 12, 2014 3:40 PM

To: john_watts@feinstein.senate.gov; 'Weaver, Kiel'; 'Nelson, Damon'; 'Lombardi, Kyle'; 'Marklund, Chris'

CC: 'David Bernhardt'; 'Walthall, Brent'

Subject: Section 501

Gentlemen,

The following is language I drafted yesterday based on my discussions with Brent Walthall. Brent is currently reviewing the language with people in his agency. I am sending it just to keep you informed.

Tom

If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(a) revokes consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

(b) amends or issues one or more new consistency determinations pursuant to California Fish and Game Code section 2080.1 in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion; or

(c) requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion,

and as a consequence of the Department's action the Central Valley Project is able to export more water than it would have exported absent the Department's action, that additional water shall be made available to the State Water Project for delivery to State Water Project contractors.

Within 30 days of enactment of this Act, the Secretary shall request written notification from the California Department of Fish and Wildlife indicating whether implementation of this Act will affect the status of consistency determinations for operation of the State Water Project.

From: Marklund, Chris

Sent: Wednesday, November 12, 2014 4:10 PM

To: 'Tom Birmingham'; 'john_watts@feinstein.senate.gov'; Weaver, Kiel; Nelson, Damon; Lombardi, Kyle; Butler, Jessica

CC: 'David Bernhardt'; 'Walthall, Brent'

Subject: RE: Section 501

Thanks, Tom. Looping in Jessica Butler in our office.

Chris

--

Chris Marklund

Legislative Director

Rep. David Valadao

1004 Longworth House Office Building

Washington, DC 20024

Ph: 202-225-4695

Fax: 202-225-3196

Chris.Marklund@mail.house.gov

Please follow Rep. David G. Valadao on Facebook, Twitter, and Instagram



From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]

Sent: Wednesday, November 12, 2014 5:40 PM

To: john_watts@feinstein.senate.gov; Weaver, Kiel; Nelson, Damon; Lombardi, Kyle; Marklund, Chris

Cc: 'David Bernhardt'; 'Walthall, Brent'

Subject: Section 501

Gentlemen,

The following is language I drafted yesterday based on my discussions with Brent Walthall. Brent is currently reviewing the language with people in his agency. I am sending it just to keep you informed.

Tom

If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(a) revokes consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

(b) amends or issues one or more new consistency determinations pursuant to California Fish and Game Code section 2080.1 in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion; or

(c) requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion,

and as a consequence of the Department's action the Central Valley Project is able to export more water than it would have exported absent the Department's action, that additional water shall be made available to the State Water Project for delivery to State Water Project contractors.

Within 30 days of enactment of this Act, the Secretary shall request written notification from the California Department of Fish and Wildlife indicating whether implementation of this Act will affect the status of consistency determinations for operation of the State Water Project.

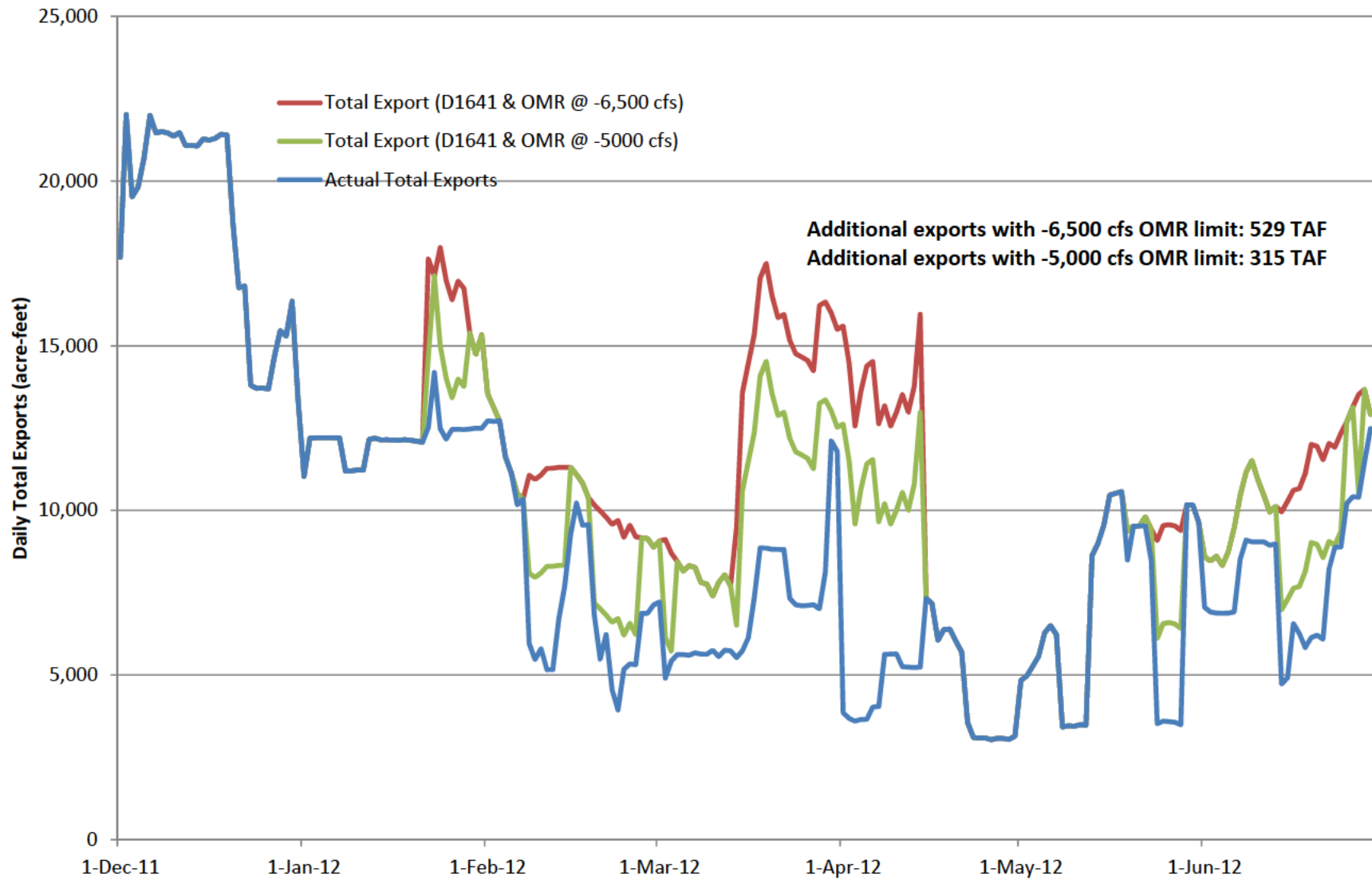
From: Tom Birmingham
Sent: Wednesday, November 12, 2014 5:29 PM
To: 'Weaver, Kiel'
CC: 'Nelson, Damon'; 'David Bernhardt'
Subject: Sample graph at -5000
Attachments: 2012 Ops at -5000_-6500.pdf

Kiel,

I don't know if this will be helpful, but attached is a graph showing potential exports v. actual operations in 2012, a dry year. This graph suggests that if the Feinstein proposal is implemented as we expect, the CVP and SWP would have picked up an additional 315,000 acre-feet. For south-of-Delta CVP ag service contractors, this would have increased our allocation by approximately 10%.

Tom

2012 Total Exports (Dec-Jun) Actual OMR Restrictions vs OMR at -6,500 & -5,000 cfs



From: Jason Peltier

Sent: Thursday, November 13, 2014 9:37 AM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'

Subject: Costa update

Rep. Jim Costa takes slim lead over Johnny Tacherra in 16th District race

By John Ellis, George Hostetter and Pablo Lopez

The Fresno Bee November 12, 2014 Updated 13 hours ago

2014-11-13T03:46:06Z

By John Ellis, George Hostetter and Pablo Lopez The_Fresno_Bee

Republican Johnny Tacherra is in Washington, D.C. at the orientation for new members of Congress, but he's no longer in the lead for the 16th Congressional District seat.

Fresno County updated its vote count Wednesday afternoon, and incumbent Fresno Democrat Jim Costa — behind in his reelection bid since election night more than a week ago — took a slim, 86-vote lead over Tacherra.

But the race is far from over because several thousand mostly provisional ballots remain to be counted in the district, which includes all of Merced County and parts of Madera and Fresno counties.

In other close Fresno County races, Lisa Gamoian extended her lead over Rachel Hill in a contentious and expensive Fresno County Superior Court judge's race, and Esmeralda Soria added to her lead over Cary Catalano in the District 1 seat on the Fresno City Council.

Catalano — who was ahead by 20 votes on election night — all but conceded to Soria on Wednesday inside the Fresno County Election's Office. Soria now has a 369-vote lead, which is 51.7% of the vote to Catalano's 48%. In the judge's race, Gamoian added another 1,935 votes to her lead over Hill, which now stands at nearly 4,600 votes. In percentage terms, Gamoian has 51.4% to Hill's 48.1%.

With Wednesday's update, Fresno County officials finished all but 600 of the final 10,300 mail ballots from the Nov. 4 election. In addition, around 10,100 provisional ballots remain to be counted. After the polls closed Tuesday night, the Fresno County elections officials had more than 42,600 absentee and provisional ballots to count.

As of now, Fresno County's voter turnout is at 36.7%, a percentage that will grow as more votes are counted but still is on track to be the lowest in recent memory. In 2002, it was 47.3%.

16th Congressional District

While the Fresno City Council and judge's races seem all but over, the Costa-Tacherra contest will have to wait for further vote counting.

Headed into Wednesday, Tacherra had a 741-vote lead, but the Fresno County update added 1,708 votes to Costa's total. Tacherra added just 881 votes. The difference pushed Costa from the 741-vote deficit to the 86-vote lead.

Both Merced and Madera County officials have said they will not update their count again until they finish tallying their remaining provisional ballots, which will likely be Friday or early next week. In Merced County, 1,505 provisional ballots remain to be counted, and in Madera County, it is 722. In Fresno County, it is unknown how many of the 600 remaining mail ballots and 10,100 provisional ballots are from the 16th Congressional District.

Tuesday's update showed yet again that Fresno County is Costa's political heart. He is winning more than 63% of the Fresno County vote. Tacherra is winning around two-thirds of Madera County's vote, and 55% of the Merced County vote. If the current voting trends hold, a narrow Costa victory is likely, political watchers said.

Fresno County will next update on Friday afternoon.

Congress was back in session on Wednesday. Costa remained in Fresno to attend the funeral Friday for former Congressman John Krebs. He cheered the latest update.

"We are encouraged by the vote count that was released today," he said in a statement. "There are still thousands of ballots that need to be counted over the next week. As I have said before, I put my trust and faith in the voters of our Valley. When all the votes are tallied, we look forward to continuing to fight for our Valley families in Washington, D.C."

Tacherra could not be reached for comment.

Costa's latest race has much the same feel as in 2010, when he was behind now-state Sen. Andy Vidak by an election night 1,823-vote deficit that turned into a 3,031-vote victory after all the mail and provisional ballots were counted. For either Costa or Tacherra in this race, however, the victory margin will likely be much smaller.

Read more here: http://www.fresnobee.com/2014/11/12/4231660_vote-update-could-clarify-house.html?sp=/99/217/&rh=1#storylink=cpy

From: Karen Clark

Sent: Thursday, November 13, 2014 10:54 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'

CC: 'Rose Schlueter'

Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Importance: High

All,

I've scheduled the Annual Strategy Meeting in Sacramento for December 12 at 1:00 p.m. The meeting will be held at Kronick, Moskovitz, Tiedemann & Girard. Please allow three hours for this meeting. Washington DC participants will participate via video conference.

If you have any questions, feel free to contact me at [REDACTED]

Sincerely,

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) 559 [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Gayle Holman
Sent: Thursday, November 13, 2014 10:56 AM
To: Email-home
Subject: Fwd: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

This is the day In December that I'll have to be in Sacto. It's an afternoon meeting so it really shouldn't impact a work day. Most likely we will fly too.

Gayle Holman
(559) [REDACTED] (cell)

Sent from my iPhone

Begin forwarded message:

From: Karen Clark <kclark@westlandswater.org>
Date: November 13, 2014 at 9:53:50 AM PST
To: 'Daniel Errotabere' <[REDACTED]@[REDACTED]>, Sarah Woolf <swoolf@westlandswater.org>, Donald Peracchi <[REDACTED]@[REDACTED]>, 'Alison MacLeod' <amacleod@ka-pow.com>, 'Carmela McHenry' <cmchenry@ka-pow.com>, 'Carolyn Jensen' <cjensen@ka-pow.com>, Catherine Karen <ckaren@sidley.com>, Dan Pope <dpope@westlandswater.org>, Darlene Knauf <dknauf@foley.com>, 'David Bernhardt' <dbernhardt@BHFS.com>, Denny Rehberg <drehberg@mercuryllc.com>, 'Doug Subers' <dsubers@ka-pow.com>, 'Ed Manning' <emanning@ka-pow.com>, Erick Mullen <emullen@mercuryllc.com>, 'Gayle Holman' <gholman@westlandswater.org>, 'Jason Peltier' <jpeltier@westlandswater.org>, Jim Watson <jwatson@westlandswater.org>, 'Joe Findaro' <joe.findaro@akerman.com>, 'Mike Burns' <mburns@ka-pow.com>, Sheila Greene <sgreene@westlandswater.org>, 'Susan Ramos' <sramos@westlandswater.org>
Cc: 'Rose Schlueter' <rschlueter@westlandswater.org>
Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

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If you have any questions, feel free to contact me at [REDACTED]

Sincerely,

~Karen
Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) 559 [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark

Sent: Thursday, November 13, 2014 10:57 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'

CC: 'Rose Schlueter'

Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

One more thing.... Participants in Washington DC should meet at Brownstein for the video conference.

Thanks!

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Karen Clark [mailto:kclark@westlandswater.org]

Sent: Thursday, November 13, 2014 9:54 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'

Cc: 'Rose Schlueter'

Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Importance: High

All,

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If you have any questions, feel free to contact me at [REDACTED]

Sincerely,

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Denny Rehberg

Sent: Thursday, November 13, 2014 10:58 AM

To: Karen Clark

CC: Daniel Errotabere; Sarah Woolf; Donald Peracchi; Alison MacLeod; Carmela McHenry; Carolyn Jensen; Catherine Karen; Dan Pope; Darlene Knauf; David Bernhardt; Doug Subers; Ed Manning; Erick Mullen; Gayle Holman; Jason Peltier; Jim Watson; Joe Findaro; Mike Burns; Sheila Greene; Susan Ramos; Rose Schlueter

Subject: Re: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Eastern Time or Pacific Time?

On Nov 13, 2014, at 12:54 PM, Karen Clark <kclark@westlandswater.org> wrote:

All,

I've scheduled the Annual Strategy Meeting in Sacramento for December 12 at 1:00 p.m. The meeting will be held at Kronick, Moskowitz, Tiedemann & Girard. Please allow three hours for this meeting. Washington DC participants will participate via video conference.

If you have any questions, feel free to contact me at [REDACTED]

Sincerely,

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

.....
Mercury.

Denny Rehberg

Co-Chairman

(US Congressman 2001-2013)

The Portrait Building

701 8th Street NW | Suite 650

Washington, DC | 20001

202.261.4000 office | [REDACTED] mobile

www.mercuryllc.com

From: Karen Clark
Sent: Thursday, November 13, 2014 10:58 AM
To: David L. Bernhardt
CC: Karen Clark
Subject: December 12 Annual Strategy Meeting/Video Conference

Hi David,

Would you be so kind as to put me in touch with your secretary so that I may visit with her on the video conference set up for the December 12 Annual Strategy Meeting?

Thanks!

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Karen Clark

Sent: Thursday, November 13, 2014 11:00 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'

CC: 'Rose Schlueter'

Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Importance: High

This meeting is 1:00 p.m. Pacific Standard Time.

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Karen Clark [mailto:kclark@westlandswater.org]

Sent: Thursday, November 13, 2014 9:54 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'

Cc: 'Rose Schlueter'

Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Importance: High

All,

I've scheduled the Annual Strategy Meeting in Sacramento for December 12 at 1:00 p.m. The meeting will be held at Kronick, Moskovitz, Tiedemann & Girard. Please allow three hours for this meeting. Washington DC participants will participate via video conference.

If you have any questions, feel free to contact me at [REDACTED]

Sincerely,

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Bernhardt, David L.
Sent: Thursday, November 13, 2014 11:29 AM
To: Karen Clark
Subject: Re: December 12 Annual Strategy Meeting/Video Conference

Yes, but I think Tom wanted us to be in Sacramento on person.

David Bernhardt

On Nov 13, 2014, at 12:58 PM, "Karen Clark" <kclark@westlandswater.org> wrote:

Hi David,

Would you be so kind as to put me in touch with your secretary so that I may visit with her on the video conference set up for the December 12 Annual Strategy Meeting?

Thanks!

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

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From: joe.findaro@akerman.com
Sent: Thursday, November 13, 2014 11:35 AM
To: kclark@westlandswater.org
Subject: RE: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

thanks confirmed.

[vCard](#) | [Bio](#)



CONFIDENTIALITY NOTE: The information contained in this transmission may be privileged and confidential, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: Thursday, November 13, 2014 1:00 PM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; Findaro, Joe (OC-DC); 'Mike Burns'; Sheila Greene; 'Susan Ramos'
Cc: 'Rose Schlueter'
Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference
Importance: High

This meeting is 1:00 p.m. Pacific Standard Time.

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

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To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'
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If you have any questions, feel free to contact me at [REDACTED]

Sincerely,

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: dknauf@foley.com

Sent: Thursday, November 13, 2014 11:54 AM

To: 'Karen Clark'

Subject: RE: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Karen,

That's 1pm PT and 4pm ET, correct?

Darlene Davis Knauf

ASSISTANT TO JAMES N. BIERMAN, SAMUEL J. WINER

and DENNIS A. CARDOZA

Foley & Lardner LLP

3000 K Street, N.W. | Suite 600

Washington, DC 20007-5109

P 202.672.5363 | F 202.672.5399

Visit Foley.com



From: Karen Clark [<mailto:kclark@westlandswater.org>]

Sent: Thursday, November 13, 2014 12:57 PM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Knauf, Darlene Davis; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'

Cc: 'Rose Schlueter'

Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

One more thing.... Participants in Washington DC should meet at Brownstein for the video conference.

Thanks!

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

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Fresno, CA 93703

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(f) 559.241.6277

Email: kclark@westlandswater.org

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Sincerely,

~Karen

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Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

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From: Jason Peltier
Sent: Thursday, November 13, 2014 11:55 AM
To: Carolyn Jensen
Subject: Fwd: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Might you have a video conference room that is bigger than our shoe box?

Begin forwarded message:

From: Karen Clark <kclark@westlandswater.org>
Date: November 13, 2014 at 9:59:41 AM PST
To: 'Daniel Errotabere' <[REDACTED]@[REDACTED]>, Sarah Woolf <swoolf@westlandswater.org>, Donald Peracchi <[REDACTED]@[REDACTED]>, 'Alison MacLeod' <amacleod@ka-pow.com>, 'Carmela McHenry' <cmchenry@ka-pow.com>, 'Carolyn Jensen' <cjensen@ka-pow.com>, Catherine Karen <ckaren@sidley.com>, Dan Pope <dpope@westlandswater.org>, Darlene Knauf <dknauf@foley.com>, 'David Bernhardt' <dbernhardt@BHFS.com>, Denny Rehberg <drehberg@mercuryllc.com>, 'Doug Subers' <dsubers@ka-pow.com>, 'Ed Manning' <emanning@ka-pow.com>, Erick Mullen <emullen@mercuryllc.com>, 'Gayle Holman' <gholman@westlandswater.org>, 'Jason Peltier' <jpeltier@westlandswater.org>, Jim Watson <jwatson@westlandswater.org>, 'Joe Findaro' <joe.findaro@akerman.com>, 'Mike Burns' <mburns@ka-pow.com>, Sheila Greene <sgreene@westlandswater.org>, 'Susan Ramos' <sramos@westlandswater.org>
Cc: 'Rose Schlueter' <rschlueter@westlandswater.org>
Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

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~Karen

Karen Clark
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Westlands Water District
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Fresno, CA 93703
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Email: kclark@westlandswater.org

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Sincerely,

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Carolyn Jensen
Sent: Thursday, November 13, 2014 11:57 AM
To: Jason Peltier
Subject: Re: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

I don't think we have the capability. BUT... Will check to see. Be right back

Carolyn Jensen
KP Public Affairs

On Nov 13, 2014, at 10:55 AM, Jason Peltier <jpeltier@westlandswater.org> wrote:

Might you have a video conference room that is bigger than our shoe box?

Begin forwarded message:

From: Karen Clark <kclark@westlandswater.org>
Date: November 13, 2014 at 9:59:41 AM PST
To: 'Daniel Errotabere' <[REDACTED]@[REDACTED]>; Sarah Woolf <swoolf@westlandswater.org>; Donald Peracchi <[REDACTED]@[REDACTED]>; 'Alison MacLeod' <amacleod@ka-pow.com>; 'Carmela McHenry' <cmchenry@ka-pow.com>; 'Carolyn Jensen' <cjensen@ka-pow.com>; Catherine Karen <ckaren@sidley.com>; Dan Pope <dpope@westlandswater.org>; Darlene Knauf <dknauf@foley.com>; 'David Bernhardt' <dbernhardt@BHFS.com>; Denny Rehberg <drehberg@mercuryllc.com>; 'Doug Subers' <dsubers@ka-pow.com>; 'Ed Manning' <emanning@ka-pow.com>; Erick Mullen <emullen@mercuryllc.com>; 'Gayle Holman' <gholman@westlandswater.org>; 'Jason Peltier' <jpeltier@westlandswater.org>; Jim Watson <jwatson@westlandswater.org>; 'Joe Findaro' <joe.findaro@akerman.com>; 'Mike Burns' <mburns@ka-pow.com>; Sheila Greene <sgreene@westlandswater.org>; 'Susan Ramos' <sramos@westlandswater.org>
Cc: 'Rose Schlueter' <rschlueter@westlandswater.org>
Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

This meeting is 1:00 p.m. Pacific Standard Time.

~Karen
Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, November 13, 2014 9:54 AM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman';

'Jason Peltier

Cc: 'Rose Schlueter'

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If you have any questions, feel free to contact me at [REDACTED]

Sincerely,

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Carolyn Jensen
Sent: Thursday, November 13, 2014 1:13 PM
To: Jason Peltier
Subject: Re: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Carmela will call you. We don't have the real capability, but can possibly do a work around. I will defer to your conclusion on best option.

Carolyn Jensen
KP Public Affairs

On Nov 13, 2014, at 10:55 AM, Jason Peltier <jpeltier@westlandswater.org> wrote:

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Date: November 13, 2014 at 9:59:41 AM PST
To: 'Daniel Errotabere' <[REDACTED]@[REDACTED]>, Sarah Woolf <swoolf@westlandswater.org>, Donald Peracchi <[REDACTED]@[REDACTED]>, 'Alison MacLeod' <amacleod@ka-pow.com>, 'Carmela McHenry' <cmchenry@ka-pow.com>, 'Carolyn Jensen' <cjensen@ka-pow.com>, Catherine Karen <ckaren@sidley.com>, Dan Pope <dpope@westlandswater.org>, Darlene Knauf <dknauf@foley.com>, 'David Bernhardt' <dbernhardt@BHFS.com>, Denny Rehberg <drehberg@mercuryllc.com>, 'Doug Subers' <dsubers@ka-pow.com>, 'Ed Manning' <emanning@ka-pow.com>, Erick Mullen <emullen@mercuryllc.com>, 'Gayle Holman' <gholman@westlandswater.org>, 'Jason Peltier' <jpeltier@westlandswater.org>, Jim Watson <jwatson@westlandswater.org>, 'Joe Findaro' <joe.findaro@akerman.com>, 'Mike Burns' <mburns@ka-pow.com>, Sheila Greene <sgreene@westlandswater.org>, 'Susan Ramos' <sramos@westlandswater.org>
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~Karen
Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, November 13, 2014 9:54 AM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela

McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier

Cc: 'Rose Schlueter'

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If you have any questions, feel free to contact me at [REDACTED]

Sincerely,

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Rose Schlueter

Sent: Thursday, November 13, 2014 1:26 PM

To: 'Karen Clark'

Subject: RE: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Hi Karen:

Would you like me to get a conference room? I am happy to do whatever I can do to assist you.

Rose

From: Karen Clark [mailto:kclark@westlandswater.org]

Sent: Thursday, November 13, 2014 9:54 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'

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Sincerely,

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Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Jason Peltier
Sent: Thursday, November 13, 2014 2:08 PM
To: Carolyn Jensen
Subject: Re: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Not to worry. Thanks for checking tho.

On Nov 13, 2014, at 12:12 PM, Carolyn Jensen <cjensen@ka-pow.com> wrote:

Carmela will call you. We don't have the real capability, but can possibly do a work around. I will defer to your conclusion on best option.

Carolyn Jensen
KP Public Affairs

On Nov 13, 2014, at 10:55 AM, Jason Peltier <jpeltier@westlandswater.org> wrote:

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Begin forwarded message:

From: Karen Clark <kclark@westlandswater.org>
Date: November 13, 2014 at 9:59:41 AM PST
To: 'Daniel Errotabere' <[REDACTED]@[REDACTED]>, Sarah Woolf <swoolf@westlandswater.org>, Donald Peracchi <[REDACTED]@[REDACTED]>, 'Alison MacLeod' <amacleod@ka-pow.com>, 'Carmela McHenry' <cmchenry@ka-pow.com>, 'Carolyn Jensen' <cjensen@ka-pow.com>, Catherine Karen <ckaren@sidley.com>, Dan Pope <dpope@westlandswater.org>, Darlene Knauf <dknauf@foley.com>, 'David Bernhardt' <dbernhardt@BHFS.com>, Denny Rehberg <drehberg@mercuryllc.com>, 'Doug Subers' <dsubers@ka-pow.com>, 'Ed Manning' <emanning@ka-pow.com>, Erick Mullen <emullen@mercuryllc.com>, 'Gayle Holman' <gholman@westlandswater.org>, 'Jason Peltier' <jpeltier@westlandswater.org>, Jim Watson <jwatson@westlandswater.org>, 'Joe Findaro' <joe.findaro@akerman.com>, 'Mike Burns' <mburns@ka-pow.com>, Sheila Greene <sgreene@westlandswater.org>, 'Susan Ramos' <sramos@westlandswater.org>
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(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark
Sent: Thursday, November 13, 2014 2:18 PM
To: dknauf@foley.com
Subject: RE: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Hi Darlene,

Yes, that is correct.

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: dknauf@foley.com [mailto:dknauf@foley.com]
Sent: Thursday, November 13, 2014 10:54 AM
To: 'Karen Clark'
Subject: RE: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Karen,

That's 1pm PT and 4pm ET, correct?

Darlene Davis Knauf
ASSISTANT TO JAMES N. BIERMAN, SAMUEL J. WINER
and DENNIS A. CARDOZA
Foley & Lardner LLP
3000 K Street, N.W. | Suite 600
Washington, DC 20007-5109
P 202.672.5363 | F 202.672.5399

Visit Foley.com



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To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Knauf, Darlene Davis; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'
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Thanks!

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From: Karen Clark [<mailto:kclark@westlandswater.org>]

Sent: Thursday, November 13, 2014 9:54 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'

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From: Karen Clark

Sent: Thursday, November 13, 2014 3:03 PM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'

CC: 'Rose Schlueter'

Subject: RESCHEDULED Annual Strategy Meeting

Importance: High

Everyone,

I was just notified by Tom that he would like to have this meeting on December 17 so we are cancelling the December 12 date. He would also like everyone to attend in person in Sacramento.

Please remove the December 12 date from your calendar and let me know if you are available in person on December 17 in Sacramento.

Thanks!

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Karen Clark [mailto:kclark@westlandswater.org]

Sent: Thursday, November 13, 2014 10:00 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'

Cc: 'Rose Schlueter'

Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Importance: High

This meeting is 1:00 p.m. Pacific Standard Time.

~Karen

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Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]

Sent: Thursday, November 13, 2014 9:54 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'

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If you have any questions, feel free to contact me at [REDACTED]

Sincerely,

~Karen

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Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Gayle Holman
Sent: Thursday, November 13, 2014 3:08 PM
To: Email-home
Subject: Fwd: RESCHEDULED Annual Strategy Meeting

Yikes, date change for Sacto mtg. Please take note. Thanks!

Gayle Holman
(559) [REDACTED] (cell)

Sent from my iPhone

Begin forwarded message:

From: Karen Clark <kclark@westlandswater.org>
Date: November 13, 2014 at 2:02:56 PM PST
To: 'Daniel Errotabere' <[REDACTED]@[REDACTED]>; Sarah Woolf <swoolf@westlandswater.org>, Donald Peracchi <[REDACTED]@[REDACTED]>, 'Alison MacLeod' <amacleod@ka-pow.com>, 'Carmela McHenry' <cmchenry@ka-pow.com>, 'Carolyn Jensen' <cjensen@ka-pow.com>, Catherine Karen <ckaren@sidley.com>, Dan Pope <dpope@westlandswater.org>, Darlene Knauf <dknauf@foley.com>, 'David Bernhardt' <dbernhardt@BHFS.com>, Denny Rehberg <drehberg@mercuryllc.com>, 'Doug Subers' <dsubers@ka-pow.com>, 'Ed Manning' <emanning@ka-pow.com>, Erick Mullen <emullen@mercuryllc.com>, 'Gayle Holman' <gholman@westlandswater.org>, 'Jason Peltier' <jpeltier@westlandswater.org>, Jim Watson <jwatson@westlandswater.org>, 'Joe Findaro' <joe.findaro@akerman.com>, 'Mike Burns' <mburns@ka-pow.com>, Sheila Greene <sgreene@westlandswater.org>, 'Susan Ramos' <sramos@westlandswater.org>
Cc: 'Rose Schlueter' <rschlueter@westlandswater.org>
Subject: RESCHEDULED Annual Strategy Meeting

Everyone,

I was just notified by Tom that he would like to have this meeting on December 17 so we are cancelling the December 12 date. He would also like everyone to attend in person in Sacramento.

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Thanks!

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Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, November 13, 2014 10:00 AM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle

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Cc: 'Rose Schlueter'

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(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: joe.findaro@akerman.com
Sent: Thursday, November 13, 2014 3:10 PM
To: kclark@westlandswater.org
Subject: Re: RESCHEDULED Annual Strategy Meeting

December 17 works for me. Thanks. Joe

On Nov 13, 2014, at 5:03 PM, "Karen Clark" <kclark@westlandswater.org> wrote:

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[vCard](#) | [Bio](#)



CONFIDENTIALITY NOTE: The information contained in this transmission may be privileged and confidential, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, November 13, 2014 10:00 AM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'
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Email: kclark@westlandswater.org

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Sent: Thursday, November 13, 2014 9:54 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'

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Westlands Water District

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Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Gayle Holman
Sent: Thursday, November 13, 2014 3:10 PM
To: Karen Clark
Subject: Re: RESCHEDULED Annual Strategy Meeting

I can make the Dec. 17th meeting in Sacto.

Gayle Holman
(559) [REDACTED] (cell)

Sent from my iPhone

On Nov 13, 2014, at 2:02 PM, "Karen Clark" <kclark@westlandswater.org> wrote:

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(c) [REDACTED]
(f) 559.241.6277

Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]

Sent: Thursday, November 13, 2014 9:54 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'

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(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Sheila Greene
Sent: Thursday, November 13, 2014 3:17 PM
To: 'Karen Clark'
Subject: RE: RESCHEDULED Annual Strategy Meeting

I am available 12/17

From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: Thursday, November 13, 2014 2:03 PM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'
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Westlands Water District
P.O. Box 6056
Fresno, CA 93703

(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, November 13, 2014 9:54 AM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'
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Fresno, CA 93703
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(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen, Catherine
Sent: Thursday, November 13, 2014 3:19 PM
To: 'Karen Clark'
CC: Daley, Jane
Subject: RE: RESCHEDULED Annual Strategy Meeting

Hi Karen
I can be there in person in Sacramento on the 17th. Thank you.

-----Original Message-----

From: Karen Clark [kclark@westlandswater.org]
Sent: Thursday, November 13, 2014 04:03 PM Central Standard Time
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Karen, Catherine; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'
Cc: 'Rose Schlueter'
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(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, November 13, 2014 10:00 AM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'
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(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, November 13, 2014 9:54 AM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'
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Email: kclark@westlandswater.org

This e-mail is sent by a law firm and may contain information that is privileged or confidential.
If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

From: Carmela McHenry
Sent: Thursday, November 13, 2014 3:22 PM
To: 'Karen Clark'
CC: Ed Manning; Carolyn Jensen; Michael Burns; Alison MacLeod
Subject: RE: RESCHEDULED Annual Strategy Meeting

Hi Karen:

KP is available any time between 11 AM to 5 PM on Wednesday, December 17. I've placed a HOLD on our calendars until further notice from you.

If you need more dates/times, please let me know.

Thank you.

Carmela McHenry

(Direct) 916-498-7711
(Fax) 916-448-4923

From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: Thursday, November 13, 2014 2:03 PM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; Alison MacLeod; Carmela McHenry; Carolyn Jensen; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; Doug Subers; Ed Manning; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; Michael Burns; Sheila Greene; 'Susan Ramos'
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Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Daniel Errotabere
Sent: Thursday, November 13, 2014 3:40 PM
To: 'Karen Clark'
Subject: RE: RESCHEDULED Annual Strategy Meeting

That will work for me.

From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: 11 13, 2014 2:03 PM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'
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Email: kclark@westlandswater.org



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

From: Don Peracchi
Sent: Thursday, November 13, 2014 3:41 PM
To: Karen Clark
Subject: RE: RESCHEDULED Annual Strategy Meeting

o.k. don

From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: Thursday, November 13, 2014 2:03 PM
To: 'Daniel Errotabere'; Sarah Woolf; Don Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'
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Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: Thursday, November 13, 2014 10:00 AM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'
Cc: 'Rose Schlueter'
Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference
Importance: High

This meeting is 1:00 p.m. Pacific Standard Time.

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703

(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, November 13, 2014 9:54 AM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'
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If you have any questions, feel free to contact me at [REDACTED]

Sincerely,

~Karen

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(f) 559.241.6277
Email: kclark@westlandswater.org

From: Sarah Clark Woolf

Sent: Thursday, November 13, 2014 3:46 PM

To: Karen Clark; 'Daniel Errotabere'; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'

CC: 'Rose Schlueter'

Subject: Re: RESCHEDULED Annual Strategy Meeting

I cannot attend the December 17th date.

----- Original Message -----

From: Karen Clark

[mailto:kclark@westlandswater.org]

To: 'Daniel Errotabere'

[mailto:██████████@██████████] Sarah Woolf

[mailto:swoolf@westlandswater.org], Donald Peracchi

[mailto:██████████@██████████] 'Alison MacLeod' [mailto:amacleod@ka-pow.com],

'Carmela McHenry' [mailto:cmchenry@ka-pow.com], 'Carolyn Jensen'

[mailto:cjensen@ka-pow.com], Catherine Karen [mailto:ckaren@sidley.com], Dan

Pope [mailto:dpope@westlandswater.org], Darlene Knauf

[mailto:dknauf@foley.com], 'David Bernhardt' [mailto:dbernhardt@BHFS.com],

Denny Rehberg [mailto:drehberg@mercurylc.com], 'Doug Subers'

[mailto:dsubers@ka-pow.com], 'Ed Manning' [mailto:emanning@ka-pow.com],

Erick Mullen [mailto:emullen@mercurylc.com], 'Gayle Holman'

[mailto:gholman@westlandswater.org], 'Jason Peltier'

[mailto:jpeltier@westlandswater.org], Jim Watson

[mailto:jwatson@westlandswater.org], 'Joe Findaro'

[mailto:joe.findaro@akerman.com], 'Mike Burns' [mailto:mburns@ka-pow.com],

Sheila Greene [mailto:sgreene@westlandswater.org], 'Susan Ramos'

[mailto:sramos@westlandswater.org]

Cc: 'Rose Schlueter'

[mailto:rschlueter@westlandswater.org]

Sent: Thu, 13 Nov 2014 14:02:56

-0800

Subject: RESCHEDULED Annual Strategy Meeting

> Everyone,

>

> I was just notified by Tom that he would like to have this meeting on

> December 17 so we are cancelling the December 12 date. He would also like

> everyone to attend in person in Sacramento.

>

> Please remove the December 12 date from your calendar and let me know if you

> are available in person on December 17 in Sacramento.

>

> Thanks!

>

> ~Karen

> Karen Clark

> Executive Assistant to Thomas W. Birmingham

> Westlands Water District

> P.O. Box 6056

> Fresno, CA 93703

> (c) ██████████

> (f) 559.241.6277

> Email: kclark@westlandswater.org

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> Cc: 'Rose Schlueter'
> Subject: December 12, 1:00p m. Annual Strategy Meeting in Sacramento/DC by
> Video Conference
> Importance: High

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> This meeting is 1:00 p m. Pacific Standard Time.

>
> ~Karen
> Karen Clark
> Executive Assistant to Thomas W. Birmingham
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> 1:00 p.m. The meeting will be held at Kronick, Moskovitz, Tiedemann &
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> If you have any questions, feel free to contact me at [REDACTED]

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> Sincerely,

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> ~Karen
> Karen Clark
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> P.O. Box 6056
> Fresno, CA 93703
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> Email: kclark@westlandswater.org

From: Rose Schlueter
Sent: Thursday, November 13, 2014 4:06 PM
To: 'Karen Clark'
Subject: RE: RESCHEDULED Annual Strategy Meeting

Hi Karen:

Should Judge Manson and Philip Williams be on the list?

Rose

From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: Thursday, November 13, 2014 2:03 PM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'
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Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Carolyn Jensen
Sent: Thursday, November 13, 2014 4:11 PM
To: Karen Clark
CC: Carmela McHenry
Subject: Re: RESCHEDULED Annual Strategy Meeting

Hi Karen! I don't envy you herding us cats. Since Tom would like everyone to attend "in person", would you like to use our large conference room?

Carolyn Jensen
KP Public Affairs

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Email: kclark@westlandswater.org

From: David Holman
Sent: Thursday, November 13, 2014 5:39 PM
To: Gayle Holman
Subject: Re: RESCHEDULED Annual Strategy Meeting

Ok, got it.

Sent from my iPhone

On Nov 13, 2014, at 2:07 PM, "Gayle Holman" <gholman@westlandswater.org> wrote:

Yikes, date change for Sacto mtg. Please take note. Thanks!

Gayle Holman
(559) [REDACTED] (cell)

Sent from my iPhone

Begin forwarded message:

From: Karen Clark <kclark@westlandswater.org>
Date: November 13, 2014 at 2:02:56 PM PST
To: 'Daniel Errotabere' <[REDACTED]@[REDACTED]>, Sarah Woolf <swoolf@westlandswater.org>, Donald Peracchi <[REDACTED]@[REDACTED]>, 'Alison MacLeod' <amacleod@ka-pow.com>, 'Carmela McHenry' <cmchenry@ka-pow.com>, 'Carolyn Jensen' <cjensen@ka-pow.com>, Catherine Karen <ckaren@sidley.com>, Dan Pope <dpope@westlandswater.org>, Darlene Knauf <dknauf@foley.com>, 'David Bernhardt' <dbernhardt@BHFS.com>, Denny Rehberg <drehberg@mercuryllc.com>, 'Doug Subers' <dsubers@ka-pow.com>, 'Ed Manning' <emanning@ka-pow.com>, Erick Mullen <emullen@mercuryllc.com>, 'Gayle Holman' <gholman@westlandswater.org>, 'Jason Peltier' <jpeltier@westlandswater.org>, Jim Watson <jwatson@westlandswater.org>, 'Joe Findaro' <joe.findaro@akerman.com>, 'Mike Burns' <mburns@ka-pow.com>, Sheila Greene <sgreene@westlandswater.org>, 'Susan Ramos' <sramos@westlandswater.org>
Cc: 'Rose Schlueter' <rschlueter@westlandswater.org>
Subject: RESCHEDULED Annual Strategy Meeting

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(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Karen Clark
Sent: Thursday, November 13, 2014 6:08 PM
To: 'Carolyn Jensen'
Subject: RE: RESCHEDULED Annual Strategy Meeting

Yes, Carolyn, I sure would like to use your large conference room. Thank you so much for thinking of me ☺ I hope we can get together soon. I would love to catch up with you. Let me know when you are free.

~Karen

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Westlands Water District
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(f) 559.241.6277
Email: kclark@westlandswater.org

From: Carolyn Jensen [mailto:cjensen@ka-pow.com]
Sent: Thursday, November 13, 2014 3:11 PM
To: Karen Clark
Cc: Carmela McHenry
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KP Public Affairs

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Email: kclark@westlandswater.org

From: Karen Clark
Sent: Thursday, November 13, 2014 6:09 PM
To: 'Rose Schlueter'
Subject: RE: RESCHEDULED Annual Strategy Meeting

Hello Rose,

I am sure that if Judge Manson and Philip want to attend, that would be fine. I will add them. ☺

~Karen

Karen Clark
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P.O. Box 6056
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(c) [REDACTED]
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From: Rose Schlueter [mailto:rschlueter@westlandswater.org]
Sent: Thursday, November 13, 2014 3:06 PM
To: 'Karen Clark'
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Hi Karen:

Should Judge Manson and Philip Williams be on the list?

Rose

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Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Karen Clark

Sent: Thursday, November 13, 2014 6:14 PM

To: 'Rose Schlueter'

Subject: RE: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Hello Rose,

After all that, Tom asked that I change the date to December 17. AND he wants everyone to attend in person so I'm cancelling the video conference. I'm going to start the meeting at 11:00 a.m. and will hold it at KP Communications since they have a really, really big conference room. I'll keep you posted on the details.

Thanks so much for your help, Rose. I hope you are doing well.

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Rose Schlueter [mailto:rschlueter@westlandswater.org]

Sent: Thursday, November 13, 2014 12:26 PM

To: 'Karen Clark'

Subject: RE: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Hi Karen:

Would you like me to get a conference room? I am happy to do whatever I can do to assist you.

Rose

From: Karen Clark [mailto:kclark@westlandswater.org]

Sent: Thursday, November 13, 2014 9:54 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'

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Importance: High

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I've scheduled the Annual Strategy Meeting in Sacramento for December 12 at 1:00 p.m. The meeting will be held at Kronick, Moskovitz, Tiedemann & Girard. Please allow three hours for this meeting. Washington DC participants will participate via video conference.

If you have any questions, feel free to contact me at [REDACTED].

Sincerely,

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Carolyn Jensen
Sent: Thursday, November 13, 2014 6:47 PM
To: Karen Clark
Subject: Re: RESCHEDULED Annual Strategy Meeting

We will reserve the large conference room. And if the dates/time change we will track. Am free next Tuesday and Wednesday. Let me know if either day works for you!

Carolyn Jensen
KP Public Affairs

On Nov 13, 2014, at 5:08 PM, Karen Clark <kclark@westlandswater.org> wrote:

Yes, Carolyn, I sure would like to use your large conference room. Thank you so much for thinking of me
☺ I hope we can get together soon. I would love to catch up with you. Let me know when you are free.

~Karen
Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Carolyn Jensen [<mailto:cjensen@ka-pow.com>]
Sent: Thursday, November 13, 2014 3:11 PM
To: Karen Clark
Cc: Carmela McHenry
Subject: Re: RESCHEDULED Annual Strategy Meeting

Hi Karen! I don't envy you herding us cats. Since Tom would like everyone to attend "in person", would you like to use our large conference room?

Carolyn Jensen
KP Public Affairs

On Nov 13, 2014, at 2:03 PM, Karen Clark <kclark@westlandswater.org> wrote:

Everyone,

I was just notified by Tom that he would like to have this meeting on December 17 so we are cancelling the December 12 date. He would also like everyone to attend in person in Sacramento.

Please remove the December 12 date from your calendar and let me know if you are available in person on December 17 in Sacramento.

Thanks!

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, November 13, 2014 10:00 AM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'
Cc: 'Rose Schlueter'
Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference
Importance: High

This meeting is 1:00 p.m. Pacific Standard Time.

~Karen

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Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, November 13, 2014 9:54 AM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'
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Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Karen, Catherine
Sent: Friday, November 14, 2014 8:18 AM
To: (dcardoza@foley.com)
CC: kclark@westlandswater.org
Subject: FW: RESCHEDULED Annual Strategy Meeting

Importance: High

Hi Dennis

Here is the information. Karen – can you let us know what time in person?

CATHERINE KAREN

Counsel

Sidley Austin LLP

+1.202.736.8368

ckaren@sidley.com

From: Karen Clark [mailto:kclark@westlandswater.org]
Sent: Thursday, November 13, 2014 5:03 PM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Karen, Catherine; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'
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Email: kclark@westlandswater.org

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From: Karen Clark
Sent: Friday, November 14, 2014 8:53 AM
To: 'Karen, Catherine'
Subject: RE: RESCHEDULED Annual Strategy Meeting

Hi Catherine,

I'm waiting for one more detail before sending out an email to everyone. I should know in an hour or so.

How are you doing? Hope all is well.

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen, Catherine [mailto:ckaren@sidley.com]
Sent: Friday, November 14, 2014 7:18 AM
To: (dcardoza@foley.com)
Cc: kclark@westlandswater.org
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Importance: High

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CATHERINE KAREN
Counsel

Sidley Austin LLP
+1.202.736.8368
ckaren@sidley.com

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Email: kclark@westlandswater.org

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immediately.

From: dknauf@foley.com
Sent: Friday, November 14, 2014 10:14 AM
To: 'Karen Clark'
Subject: RE: RESCHEDULED Annual Strategy Meeting

I assume the meeting times are still 1-4pm PT. Are you sending a calendar invite?

Darlene Davis Knauf

ASSISTANT TO JAMES N. BIERMAN, SAMUEL J. WINER
and DENNIS A. CARDOZA
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3000 K Street, N.W. | Suite 600
Washington, DC 20007-5109
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Visit Foley.com



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Sent: Thursday, November 13, 2014 5:03 PM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Knauf, Darlene Davis; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'
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Sent: Thursday, November 13, 2014 10:00 AM

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Email: kclark@westlandswater.org

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client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party.

From: Karen Clark
Sent: Friday, November 14, 2014 10:32 AM
To: dknauf@foley.com
Subject: RE: RESCHEDULED Annual Strategy Meeting

Hi Darlene,

I just sent out an email changing the time to 11:00 a.m. with additional details. Hope you have a good day.

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: dknauf@foley.com [mailto:dknauf@foley.com]
Sent: Friday, November 14, 2014 9:14 AM
To: 'Karen Clark'
Subject: RE: RESCHEDULED Annual Strategy Meeting

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Darlene Davis Knauf
ASSISTANT TO JAMES N. BIERMAN, SAMUEL J. WINER
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Sent: Thursday, November 13, 2014 5:03 PM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Knauf, Darlene Davis; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'
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Sent: Thursday, November 13, 2014 10:00 AM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'
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From: dknauf@foley.com
Sent: Friday, November 14, 2014 10:50 AM
To: 'Karen Clark'
Subject: RE: RESCHEDULED Annual Strategy Meeting

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Darlene Davis Knauf

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From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Friday, November 14, 2014 12:32 PM
To: Knauf, Darlene Davis
Subject: RE: RESCHEDULED Annual Strategy Meeting

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~Karen

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Sent: Friday, November 14, 2014 10:52 AM
To: dknauf@foley.com
Subject: Re: RESCHEDULED Annual Strategy Meeting

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Sent from my iPhone

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I didn't see that before emailing you. We're good to go. Dennis will be attending.

Darlene Davis Knauf

ASSISTANT TO JAMES N. BIERMAN, SAMUEL J. WINER
and DENNIS A. CARDOZA
Foley & Lardner LLP
3000 K Street, N.W. | Suite 600
Washington, DC 20007-5109
P 202.672.5363 | F 202.672.5399

Visit Foley.com

<image001.jpg>

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Friday, November 14, 2014 12:32 PM
To: Knauf, Darlene Davis
Subject: RE: RESCHEDULED Annual Strategy Meeting

Hi Darlene,

I just sent out an email changing the time to 11:00 a.m. with additional details. Hope you have a good day.

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: dknauf@foley.com [<mailto:dknauf@foley.com>]
Sent: Friday, November 14, 2014 9:14 AM
To: 'Karen Clark'
Subject: RE: RESCHEDULED Annual Strategy Meeting

I assume the meeting times are still 1-4pm PT. Are you sending a calendar invite?

Darlene Davis Knauf

ASSISTANT TO JAMES N. BIERMAN, SAMUEL J. WINER
and DENNIS A. CARDOZA
Foley & Lardner LLP
3000 K Street, N.W. | Suite 600
Washington, DC 20007-5109

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, November 13, 2014 5:03 PM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Knauf, Darlene Davis; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike Burns'; Sheila Greene; 'Susan Ramos'
Cc: 'Rose Schlueter'
Subject: RESCHEDULED Annual Strategy Meeting
Importance: High

Everyone,

I was just notified by Tom that he would like to have this meeting on December 17 so we are cancelling the December 12 date. He would also like everyone to attend in person in Sacramento.

Please remove the December 12 date from your calendar and let me know if you are available in person on December 17 in Sacramento.

Thanks!

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, November 13, 2014 10:00 AM
To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'
Cc: 'Rose Schlueter'
Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference
Importance: High

This meeting is 1:00 p.m. Pacific Standard Time.

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]

Sent: Thursday, November 13, 2014 9:54 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'

Cc: 'Rose Schlueter'

Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Importance: High

All,

I've scheduled the Annual Strategy Meeting in Sacramento for December 12 at 1:00 p.m. The meeting will be held at Kronick, Moskowitz, Tiedemann & Girard. Please allow three hours for this meeting. Washington DC participants will participate via video conference.

If you have any questions, feel free to contact me at [REDACTED]

Sincerely,

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

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From: joe.findaro@akerman.com
Sent: Friday, November 14, 2014 11:08 AM
To: TBirmingham@westlandswater.org
CC: dbernhardt@bhfs.com; [REDACTED]@[REDACTED]
Subject: Lunch/ Dinner next week?

Tom, interested in a group meal when you get back here? joe

www.akerman.com

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-----Original Message-----

From: Dennis Nuxoll [<mailto:dnuxoll@WGA.COM>]

Sent: Friday, November 14, 2014 1:06 PM

To: Joe Raeder

Cc: Nancy Williams; DCardoza@foley.com; MacMillan, Anne; Findaro, Joe (OC-DC); 'Bernhardt, David L.

Subject: Dinner next week?

Afternoon,

I am not sure which water agencies have experts coming in next week to provide potential technical advice as negotiations wind down but I thought we might try to have a group lunch or dinner while the Californians are in town.

Please let me know if your respective agencies/clients would be interested, and what times are of interest, and I will secure a location.

-Dennis

Sent from my iPhone

From: Tom Birmingham
Sent: Friday, November 14, 2014 1:55 PM
To: 'Weaver, Kiel'
CC: 'Nelson, Damon'; 'David Bernhardt'; jsutton@tccanal.com
Subject: TCCA Language

Kiel,

Jeff Sutton and I have been trading language all week. Attached is a document that I hope represents the final product. Jeff needs to check one issue.

Tom

From: Walthall, Brent

Sent: Friday, November 14, 2014 2:00 PM

To: Weaver, Kiel; 'Jennifer Buckman'; Tom Birmingham

CC: 'Stuart L. Somach '; john_watts@feinstein.senate.gov; 'Mitch Butler - Natural Resource Results'; towater@olaughlinparis.com; 'David Bernhardt'; Ronald Jacobsma; 'Steve Chedester'; jsutton@tccanal.com; Berliner, Thomas M.

Subject: RE: Title V -- picking up where left off

Hi Kyle and John:

Below is what I understand to be the agreement on Section 501. The last paragraph in 501 starting "The Secretary shall...." is based on a conversation between me and John Watts and I'm not sure others have seen it. It was an issue only KCWA cared about so hopefully it doesn't step on anyone's toes.

We are very close on 502, but not yet in agreement.

Brent

Section 501

If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(a) revokes the consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

(b) amends or issues one or more new consistency determinations pursuant to California Fish and Game Code section 2080.1 in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion; or requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion,

and as a consequence of the Department's action, Central Valley Project ~~is able to export more water than it would have exported~~ *yield is greater than it would have been* absent the Department's action, that additional water yield shall be made available to the State Water Project for delivery to State Water Project contractors.

~~Within 30 days of implementing this Act, the Secretary shall request written notification from the California Department of Fish and Wildlife indicating whether implementation of this Act will affect the status of consistency determinations for operation of the State Water Project~~

The Secretary shall immediately notify the Director of the California Department of Fish and Wildlife in writing if the Secretary determines that implementation of the Biological Opinions consistent with this Act reduces environmental protection for any species covered by the opinions.

From: Weaver, Kiel [mailto:Kiel.Weaver@mail.house.gov]

Sent: Friday, November 14, 2014 11:53 AM

To: 'Jennifer Buckman'; Tom Birmingham

Cc: 'Stuart L. Somach '; john_watts@feinstein.senate.gov; Walthall, Brent; 'Mitch Butler - Natural Resource Results'; towater@olaughlinparis.com; 'David Bernhardt'; Ronald Jacobsma; 'Steve Chedester'; jsutton@tccanal.com; Berliner, Thomas M.

Subject: RE: Title V -- picking up where left off

All,

John Watts and I are wondering where we are on the Title V language. As you recall, we needed something earlier today. Let's have a phone call at 5pm Eastern time today. Call in Number is 877-████-████ passcode is ██████ Thanks and sorry, but we need to get this done.

From: Jennifer Buckman [<mailto:jbuckman@friantwater.org>]
Sent: Tuesday, November 11, 2014 3:09 PM
To: Tom Birmingham; Weaver, Kiel
Cc: 'Stuart L. Somach'; john_watts@feinstein.senate.gov; 'Brent Walthall'; 'Mitch Butler - Natural Resource Results'; towater@olaughlinparis.com; 'David Bernhardt'; Ronald D. Jacobsma; 'Steve Chedester'; jsutton@tccanal.com; Berliner, Thomas M.
Subject: RE: Title V -- picking up where left off
Importance: High

All, attached is the redrafted version of Title V, per our discussion this morning. Please note that I have corrected the email addresses for Jeff Sutton to use his work email as well as for Tom Berliner. Please let me know if you see any areas where I have failed to capture accurately the outcome of today's group discussion. Thanks – Jeni

Jennifer T. Buckman, Esq.
General Counsel
Friant Water Authority
916.382.4344
██████████ (cell)

From: Tom Birmingham [<mailto:tbirmingham@westlandswater.org>]
Sent: Tuesday, November 11, 2014 11:42 AM
To: 'Weaver, Kiel'
Cc: 'Stuart L. Somach'; john_watts@feinstein.senate.gov; 'Brent Walthall'; 'Birmingham, Thomas'; 'Mitch Butler - Natural Resource Results'; towater@olaughlinparis.com; jsutton90@yahoo.com; 'David Bernhardt'; Ronald D. Jacobsma; Jennifer Buckman; tberliner@duanemorris.net; 'Steve Chedester'
Subject: FW: Title V -- picking up where left off
Importance: High

Here are the changes to section 503(b) and 503(c) we discussed.

From: Stuart Somach [<mailto:ssomach@somachlaw.com>]
Sent: Tuesday, November 11, 2014 10:10 AM
To: Weaver, Kiel; john_watts@feinstein.senate.gov
Cc: Brent Walthall; Birmingham, Thomas; Mitch Butler - Natural Resource Results; towater@olaughlinparis.com; jsutton90@yahoo.com; David Bernhardt; Ronald D. Jacobsma CPA; Jennifer T. Buckman - Friant; tberliner@duanemorris.net; Steve Chedester
Subject: Re: Title V -- picking up where left off
Importance: High

I am re-sending the redlines that I sent last week for everyone's convenience. These do **not** include the needed changes that Tom pointed out last week. I am away from my office and could not further edit from where I am.

--



Stuart L. Somach | Attorney

500 Capitol Mall, Suite 1000 | Sacramento, CA 95814
Office 916.446.7979 | **Cell** [REDACTED] | **Fax** 916.446.8199 |
ssomach@somachlaw.com
<http://www.somachlaw.com>

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From: "Weaver, Kiel" <Kiel.Weaver@mail.house.gov>
Date: Monday, November 10, 2014 at 5:35 PM
To: Steve Chedester <stevechedester@sjrecwa.net>
Cc: "Walthall, Brent" <bwalthall@kcwa.com>, Thomas Birmingham <tbirmingham@westlandswater.org>, "Mitch Butler - Natural Resource Results" (mitchbutler@naturalresourceresults.com) <mitchbutler@naturalresourceresults.com>, "towater@olaughlinparis.com" <towater@olaughlinparis.com>, "[REDACTED]@[REDACTED]" <[\[REDACTED\]@\[REDACTED\]](mailto:[REDACTED]@[REDACTED])>, David Bernhardt <dbernhardt@bhfs.com>, "Ronald D. Jacobsma CPA" (rjacobsma@friantwater.org) <rjacobsma@friantwater.org>, Jennifer Buckman <jbuckman@friantwater.org>, Stuart Somach <ssomach@somachlaw.com>, "tmbertliner@duanemorris.net" <tmbertliner@duanemorris.net>, John Watts <john_watts@feinstein.senate.gov>
Subject: RE: Title V -- picking up where left off

ok. thanks for being flexible everyone. I will send an email invite out shortly for tomorrow 2pm (dc time) call.

The document we can start with is something Jennifer Buckman put together that reflects last week's conference call. I realize that there were subsequent emails thereafter....

From: Steve Chedester [stevechedester@sjrecwa.net]
Sent: Monday, November 10, 2014 6:43 PM
To: Weaver, Kiel
Cc: Brent Walthall (bwalthall@kcwa.com); Birmingham, Thomas (tbirmingham@westlandswater.org); Mitch Butler - Natural Resource Results (mitchbutler@naturalresourceresults.com); towater@olaughlinparis.com; jsutton90@yahoo.com; David Bernhardt; Ronald D. Jacobsma CPA (rjacobsma@friantwater.org); Jennifer T. Buckman - Friant (jbuckman@friantwater.org); Stuart L. Somach (ssomach@somachlaw.com) ; Steve Chedester; tmbertliner@duanemorris.net; john_watts@feinstein.senate.gov
Subject: Re: Title V -- picking up where left off

Either time works

Steve Chedester
SJRECWA
Sent from iPhone

On Nov 10, 2014, at 2:34 PM, Weaver, Kiel <Kiel.Weaver@mail.house.gov> wrote:

All,

We made some good progress last week on getting some resolution to Title V of the pending California water bill.

However, I think there's still some confusion and, thus, the need to have a conversation.

To that end, John Watts and I would like to do a conference call Tuesday at 2pm (DC time) or Wednesday at 1pm (DC time) to figure out where we are and to take further steps toward resolution on Title V.

Tomorrow is Veterans Day, as you know. However, we can still do a conference call at 2pm DC time if we have a sizable quorum. If this doesn't work for most of you, can we try for 1pm DC time on Wednesday.

Please let me know your availability for both times so we can schedule something. When we schedule it, I will send the most recent version that the House sent to the Feinstein office.

Let me know. Thanks

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From: Tom Birmingham
Sent: Sunday, November 16, 2014 9:54 PM
To: 'Walthall, Brent'; 'Jennifer T. Buckman - Friant'
CC: 'John'; 'Weaver, Kiel'; 'Lombardi, Kyle'; 'Nelson, Damon'; 'Petersen, Scott'; 'Butler, Jessica'
Subject: FW: Title V -- picking up where left off

Brent and Jeni,

I want to thank you for your cooperation in coming to an agreement on the language for section 501, which I understand is reflected in the language Brent circulated on Friday. I know that this has been a difficult issue, and I am pleased that we have been able to reach an understanding on language that will work for all of our respective interests.

Again, thank you.

Tom

From: Walthall, Brent [mailto:bwalthall@kcwa.com]
Sent: Friday, November 14, 2014 1:00 PM
To: Weaver, Kiel; 'Jennifer Buckman'; Tom Birmingham
Cc: 'Stuart L. Somach '; john_watts@feinstein.senate.gov; 'Mitch Butler - Natural Resource Results'; towater@olaughlinparis.com; 'David Bernhardt'; Ronald Jacobsma; 'Steve Chedester'; jsutton@tccanal.com; Berliner, Thomas M.
Subject: RE: Title V -- picking up where left off

Hi Kyle and John:

Below is what I understand to be the agreement on Section 501. The last paragraph in 501 starting "The Secretary shall...." is based on a conversation between me and John Watts and I'm not sure others have seen it. It was an issue only KCWA cared about so hopefully it doesn't step on anyone's toes.

We are very close on 502, but not yet in agreement.

Brent

Section 501

If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(a) revokes the consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

(b) amends or issues one or more new consistency determinations pursuant to California Fish and Game Code section 2080.1 in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion; or requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion,

and as a consequence of the Department's action, Central Valley Project ~~is able to export more water than it would have exported~~ *yield is greater than it would have been* absent the Department's action, that additional ~~water~~ *yield* shall be made available to the State Water Project for delivery to State Water Project contractors.

~~Within 30 days of implementing this Act, the Secretary shall request written notification from the California Department of Fish and Wildlife indicating whether implementation of this Act will affect the status of consistency determinations for operation of the State Water Project~~

The Secretary shall immediately notify the Director of the California Department of Fish and Wildlife in writing if the Secretary determines that implementation of the Biological Opinions consistent with this Act reduces environmental protection for any species covered by the opinions.

From: Tom Birmingham
Sent: Monday, November 17, 2014 7:22 AM
To: David L. Bernhardt
Subject: Fwd: Title V -- picking up where left off

Sent from my iPhone

Begin forwarded message:

From: Tom Birmingham <tbirmingham@westlandswater.org>
Date: November 16, 2014 at 11:53:45 PM EST
To: "Walthall, Brent" <bwalthall@kcwa.com>, "Jennifer T. Buckman - Friant" <jbuckman@friantwater.org>
Cc: 'John' <john.crotty@waterstrategies.com>, "Weaver, Kiel" <Kiel.Weaver@mail.house.gov>, "Lombardi, Kyle" <Kyle.Lombardi@mail.house.gov>, "Nelson, Damon" <Damon.Nelson@mail.house.gov>, "Petersen, Scott" <Scott.Petersen@mail.house.gov>, "Butler, Jessica" <Jessica.Butler@mail.house.gov>
Subject: FW: Title V -- picking up where left off

Brent and Jeni,

I want to thank you for your cooperation in coming to an agreement on the language for section 501, which I understand is reflected in the language Brent circulated on Friday. I know that this has been a difficult issue, and I am pleased that we have been able to reach an understanding on language that will work for all of our respective interests.

Again, thank you.

Tom

From: Walthall, Brent [<mailto:bwalthall@kcwa.com>]
Sent: Friday, November 14, 2014 1:00 PM
To: Weaver, Kiel; 'Jennifer Buckman'; Tom Birmingham
Cc: 'Stuart L. Somach'; john_watts@feinstein.senate.gov; 'Mitch Butler - Natural Resource Results'; towater@olaughlinparis.com; 'David Bernhardt'; Ronald Jacobsma; 'Steve Chedester'; jsutton@tccanal.com; Berliner, Thomas M.
Subject: RE: Title V -- picking up where left off

Hi Kyle and John:

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We are very close on 502, but not yet in agreement.

Brent

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requires take authorization under section 2081 for operation of the State Water Project in a manner that results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion,

and as a consequence of the Department's action, Central Valley Project ~~is able to export more water than it would have exported~~ *yield is greater than it would have been* absent the Department's action, that additional ~~water~~ *yield* shall be made available to the State Water Project for delivery to State Water Project contractors.

~~Within 30 days of implementing this Act, the Secretary shall request written notification from the California Department of Fish and Wildlife indicating whether implementation of this Act will affect the status of consistency determinations for operation of the State Water Project~~
The Secretary shall immediately notify the Director of the California Department of Fish and Wildlife in writing if the Secretary determines that implementation of the Biological Opinions consistent with this Act reduces environmental protection for any species covered by the opinions.

From: Tom Birmingham
Sent: Monday, November 17, 2014 8:58 AM
To: 'David L. 'Bernhardt'
Subject: Meeting with Damon

David,

I spoke with Damon and arranged to meet with him at 1:00 p.m. I hope we will also be able to meet with Kiel Weaver. If you are available, I will pick you up in front of your building at approximately 12:40 p.m. Let me know.

Tom

From: Bernhardt, David L.
Sent: Monday, November 17, 2014 8:59 AM
To: 'Tom Birmingham'
Subject: RE: Meeting with Damon

Thanks. I will be available.

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Monday, November 17, 2014 10:58 AM
To: Bernhardt, David L.
Subject: Meeting with Damon

David,

I spoke with Damon and arranged to meet with him at 1:00 p.m. I hope we will also be able to meet with Kiel Weaver. If you are available, I will pick you up in front of your building at approximately 12:40 p.m. Let me know.

Tom

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From: Bernhardt, David L.
Sent: Monday, November 17, 2014 9:27 AM
To: Thomas W. (Tom) Birmingham Esq.
Subject: Fwd: CVPIA limitation language

David Bernhardt

Begin forwarded message:

From: "Petersen, Scott" <Scott.Petersen@mail.house.gov>
Date: November 17, 2014 at 11:25:48 AM EST
To: "John Watts (john_watts@feinstein.senate.gov)" <john_watts@feinstein.senate.gov>, "dbernhardt@bhfs.com" <dbernhardt@bhfs.com>
Subject: CVPIA limitation language

Good morning John and David,

Per our discussion, here's my first draft at pulling together language amending CVPIA that will allow for take of predators, including striped bass, without removing striped bass from the definition of anadromous fish for the purposes of CVPIA. Please review and provide any comments/edits as appropriate.

Section 3406(b) of the Central Valley Project Improvement Act (106 Stat. 4710) is amended by adding the following:

“(24) Limitation clause. Nothing in this section shall preclude the take of non-native anadromous fish for furthering the scientific understanding of stressors to, or reducing the effects of stressors on, species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) “

Thanks!

Best, Scott

J. Scott Petersen, P.E.

Deputy Chief of Staff
Rep. Jim Costa (CA-16)
1314 Longworth House Office Building
Washington, DC 20515
(202) 225-3341

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From: Bernhardt, David L.
Sent: Monday, November 17, 2014 10:03 AM
To: 'Tom Birmingham'
Subject: RE: Meeting with Damon

Tom: [I will meet you outside my building at 12:40](#)

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Monday, November 17, 2014 10:58 AM
To: Bernhardt, David L.
Subject: Meeting with Damon

David,

I spoke with Damon and arranged to meet with him at 1:00 p.m. I hope we will also be able to meet with Kiel Weaver. If you are available, I will pick you up in front of your building at approximately 12:40 p.m. Let me know.

Tom

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From: Karen Clark
Sent: Monday, November 17, 2014 1:32 PM
To: 'Carolyn Jensen'
Subject: RE: RESCHEDULED Annual Strategy Meeting

Hi Carolyn,

How about Wednesday at 11:30 at Max's?

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Carolyn Jensen [<mailto:cjensen@ka-pow.com>]
Sent: Thursday, November 13, 2014 5:47 PM
To: Karen Clark
Subject: Re: RESCHEDULED Annual Strategy Meeting

We will reserve the large conference room. And if the dates/time change we will track. Am free next Tuesday and Wednesday. Let me know if either day works for you!

Carolyn Jensen
KP Public Affairs

On Nov 13, 2014, at 5:08 PM, Karen Clark <kclark@westlandswater.org> wrote:

Yes, Carolyn, I sure would like to use your large conference room. Thank you so much for thinking of me
☺ I hope we can get together soon. I would love to catch up with you. Let me know when you are free.

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Carolyn Jensen [<mailto:cjensen@ka-pow.com>]
Sent: Thursday, November 13, 2014 3:11 PM
To: Karen Clark
Cc: Carmela McHenry
Subject: Re: RESCHEDULED Annual Strategy Meeting

Hi Karen! I don't envy you herding us cats. Since Tom would like everyone to attend "in person", would you like to use our large conference room?

Carolyn Jensen
KP Public Affairs

On Nov 13, 2014, at 2:03 PM, Karen Clark <kclark@westlandswater.org> wrote:

Everyone,

I was just notified by Tom that he would like to have this meeting on December 17 so we are cancelling the December 12 date. He would also like everyone to attend in person in Sacramento.

Please remove the December 12 date from your calendar and let me know if you are available in person on December 17 in Sacramento.

Thanks!

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]

Sent: Thursday, November 13, 2014 10:00 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'

Cc: 'Rose Schlueter'

Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Importance: High

This meeting is 1:00 p.m. Pacific Standard Time.

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Karen Clark [<mailto:kclark@westlandswater.org>]

Sent: Thursday, November 13, 2014 9:54 AM

To: 'Daniel Errotabere'; Sarah Woolf; Donald Peracchi; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'

Cc: 'Rose Schlueter'

Subject: December 12, 1:00p.m. Annual Strategy Meeting in Sacramento/DC by Video Conference

Importance: High

All,

I've scheduled the Annual Strategy Meeting in Sacramento for December 12 at 1:00 p.m. The meeting will be held at Kronick, Moskovitz, Tiedemann & Girard. Please allow three hours for this meeting. Washington DC participants will participate via video conference.

If you have any questions, feel free to contact me at [REDACTED]

Sincerely,

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Jason Peltier

Sent: Monday, November 17, 2014 3:17 PM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'; Dennis Cardoza; T Birmingham (tbirmingham@westlandswater.org)

Subject: Oppo on Drought bill moving

BREAKING NEWS — the long awaited so-called “drought relief” legislation that has been lingering for months in Congress is suddenly about to move at breakneck speed in the dark of night; early reports indicate it is bad for fish, bad for the Delta, bad for the environment; but good for Westlands Water District, whose General Manager canceled a long standing commitment at the last minute and is in DC at this moment trying to help shepherd the bill through the Senate; it is expected that Sen. Feinstein will attempt to move this bad piece of legislation in the Senate as early as tomorrow; here is an action alert from RTD on what you can do to help stop the train wreck; **PLEASE DO SO** -

<http://us3.campaign-archive2.com/?u=06887fa70084fef8e939fef63&id=dabbd5da58&e=1f00516bcf>

Immediate attention required: a federal “drought relief” bill in the Senate will harm the Delta and economy significantly!



Scroll down for an update on the list of important Senate members to call today.

Dear Restore the Delta friends,

Members of Congress are manipulating the impacts of drought conditions to serve wealthy special interests. **A federal “drought relief” bill in the Senate needs your immediate attention!** The House of Representatives recently passed drought legislation that seeks to accelerate massive water transfers from the SF Bay Delta to special interests in the arid regions of the South and West San Joaquin Valley. This bill will override environmental protections in order to provide “drought relief” for special interests.

The SF Bay Delta cannot sustain additional water transfers without collapsing, especially in the midst of a historic drought. This federal drought bill will put in

place provisions that will allow water exporters to override existing environmental regulations that protect the SF Bay Delta from excessive water transfers.

If the bill is allowed to pass, it will hasten the extinction of our fish and wildlife species and destroy our regional economies in farming and fishing, resulting in the loss of thousands of jobs and livelihoods.

This federal drought bill is in the Senate right now. **Take action to save the largest estuary on the west coast of the America! Contact members of the Senate today to tell them you oppose the federal drought bill.**

Senator Dianne Feinstein (California)

Phone number: (202) 224-2501

Email: <https://www.feinstein.senate.gov/public/index.cfm/e-mail-me>

Do you also have a Twitter and/or Facebook profile? After making a phone call or e-mail, tweet a comment in opposition to the federal drought bill to [@Senfeinstein](#) with hashtag #CAWater and post on [Senator Feinstein's Facebook](#).

Senator Barbara Boxer (California)

Phone number: (202) 224-3553

E-mail: <https://www.boxer.senate.gov/en/contact/policycomments.cfm>

Do you also have a Twitter and/or Facebook profile? After making a phone call or e-mail, tweet a comment in opposition to the federal drought bill to [@BarbaraBoxer](#) with hashtag #CAWater and post on [Senator Boxer's Facebook](#).

UPDATE: Please also call the following Senators today and urge them to oppose to the federal drought bill that will threaten the largest estuary on the west coast of the Americas!

Senator Mark Udall (Colorado): (202) 224-5941

Senator Jeff Merkley (Oregon): (202) 224-3753

Senator Maria Cantwell (Washington): (202) 224-3441

Senator Harry Reid (Nevada): (202) 224-3542

Senator Brian Schatz (Hawaii): (202) 224-3934

From: Carolyn Jensen
Sent: Monday, November 17, 2014 4:34 PM
To: Karen Clark
Subject: Re: RESCHEDULED Annual Strategy Meeting

It's a date!

Carolyn Jensen
KP Public Affairs

On Nov 17, 2014, at 12:31 PM, Karen Clark <kclark@westlandswater.org> wrote:

Hi Carolyn,

How about Wednesday at 11:30 at Max's?

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Carolyn Jensen [<mailto:cjensen@ka-pow.com>]
Sent: Thursday, November 13, 2014 5:47 PM
To: Karen Clark
Subject: Re: RESCHEDULED Annual Strategy Meeting

We will reserve the large conference room. And if the dates/time change we will track. Am free next Tuesday and Wednesday. Let me know if either day works for you!

Carolyn Jensen
KP Public Affairs

On Nov 13, 2014, at 5:08 PM, Karen Clark <kclark@westlandswater.org> wrote:

Yes, Carolyn, I sure would like to use your large conference room. Thank you so much for thinking of me ☺ I hope we can get together soon. I would love to catch up with you. Let me know when you are free.

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]

(f) 559.241.6277
Email: kclark@westlandswater.org

From: Carolyn Jensen [<mailto:cjensen@ka-pow.com>]
Sent: Thursday, November 13, 2014 3:11 PM
To: Karen Clark
Cc: Carmela McHenry
Subject: Re: RESCHEDULED Annual Strategy Meeting

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KP Public Affairs

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All,

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If you have any questions, feel free to contact me at [REDACTED]

Sincerely,

~Karen

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(f) 559.241.6277
Email: kclark@westlandswater.org

From: Nelson, Damon
Sent: Tuesday, November 18, 2014 10:24 AM
To: Tom Birmingham; Bernhardt, David L.
Subject: Lombardi

“Again, cdwr, kern and friant all agree with the revised title v. Only tom has concerns.”

Damon Nelson
Deputy Chief of Staff & Legislative Director
Congressman Devin Nunes
Office: (202) 225-2523

Office Mission To ensure our constituents and all Americans live free and prosperous lives in a healthy and safe environment by serving, communicating, protecting and representing them in a professional and caring manner.



From: Tom Birmingham
Sent: Tuesday, November 18, 2014 11:36 AM
To: 'John Watts'; 'Weaver, Kiel'; 'Nelson, Damon'; 'Butler, Jessica'
CC: 'David L. 'Bernhardt'
Subject: Needed Direction
Attachments: Title V Edits 11-17-14_cc.docx

Lady and Gentlemen,

I received the following from Cathy Crothers, an attorney with the California Department of Water Resources. As I have related to each of you, from Westlands' perspective, we had an agreement with the affected parties on section 501. Therefore, I am not going to engage with Cathy on this matter unless directed by you to do so.

Tom

From: Crothers, Cathy@DWR [mailto:Cathy.Crothers@water.ca.gov]
Sent: Tuesday, November 18, 2014 9:06 AM
To: Tom Birmingham; Cowin, Mark@DWR
Cc: Walthall, Brent@kcwa.com; Jennifer T. Buckman - Friant; John Watts; Weaver, Kiel; Nelson, Damon; Lombardi, Kyle; Butler, Jessica; Petersen, Scott; David L. 'Bernhardt
Subject: RE: Title V Language

Tom,

Attached is the draft Title V with some comments and edits to respond to your questions. The intent of the first sentence was require the Secretary to consider applying this Act in a manner that would facilitate a process whereby the CDFW could consider issuing a new Consistency Determination. For example, if feds change implementation of BiOp provisions, the Fed Fish agencies could provide supporting documentation and an amended BiOp that CDFW could use to issue a new CD to DWR. I rewrote this concept and added it to the end of this section.

I am ok with deleting the second sentence of Section 501.

Cathy

Cathy Crothers, Chief Counsel
California Department of Water Resources
1416 Ninth Street, Room 1104-4
Sacramento, CA 94236-001

Cathy.Crothers@water.ca.gov
916.653.5613 office phone
[REDACTED] cell phone

This email is confidential and subject to confidentiality under the attorney work product or attorney client communication privileges. If you have received this email in error, please inform the sender and delete it.

From: Cowin, Mark@DWR
Sent: Tuesday, November 18, 2014 7:46 AM
To: Tom Birmingham
Cc: Walthall, Brent@kcwa.com; Jennifer T. Buckman - Friant; John Watts; Weaver, Kiel; Nelson, Damon; Lombardi, Kyle; Butler, Jessica; Petersen, Scott; David L. 'Bernhardt; Crothers, Cathy@DWR
Subject: Re: Title V Language

Tom,

DWR has participated in discussions about this language as requested by other parties to this email. Our goal was to provide alternative language that could help raise our comfort level that the SWP would be protected from possible loss of CESA coverage due to implementation of the proposed act. I understand this conflicts with your goals.

As I have told others, I cannot speak to my administration's ultimate position on the bill, regardless of the outcome of this Title V language.

I am traveling today but Cathy Crothers should be available to respond to your technical questions if that is helpful. Call me if you want to discuss this directly with me further.

Mark

On Nov 17, 2014, at 9:06 PM, Tom Birmingham <tbirmingham@westlandswater.org> wrote:

The attached language was forwarded to me by John Watts. The proposed changes are problematic for a number of reasons. First, I am not sure I understand the proposed changes to section 501. If these changes are intended to require that this legislation be implemented in a manner that is consistent with Fish and Game Code section 2081, the effect of the language would be to make operation of the CVP subject to that provision of state law. This is unacceptable.

The sentence "[i]f the application of this Act results in the consequence described in section, the Secretary shall consider whether the actions taken or imposed as a result of this Act would be consistent with Section 503" is ambiguous. What is meant by "consequence described in section?" Moreover, the sentence is a non-sequitur. It implies that in the implementation of the legislation is subject to section 503 only if it results in the "consequence described in section." If the legislation were enacted without this sentence, would not the Secretary already be required to consider whether actions taken or imposed as a result of the act are consistent with section 503?

The last two sentences proposed to be added to section 501 could be interpreted as making implementation of this federal act subject to approval of a state agency. This is also unacceptable.

The insertion of "and state" prior to laws in section 503 also creates significant ambiguity. I understand that state water law applies to operation of the CVP, but what other state laws impose legal obligations on the Secretary? Is this language intended to be a waiver of the supremacy clause or sovereign immunity? In this context the language could establish a very dangerous precedent.

It was my understanding that Kern County Water Agency, the Friant Water Authority, and other public water agencies involved in the negotiation of Title 5 had reached an agreement on these provisions. I understand that the State of California was not involved in those discussions, but if the changes "worked out" by Kern, Friant, and DWR are accepted, is the State is going to support the legislation? If not, it is my hope that we will abide by our earlier agreement.

Tom

From: Lombardi, Kyle [<mailto:Kyle.Lombardi@mail.house.gov>]
Sent: Monday, November 17, 2014 7:39 PM
To: Watts, John (Feinstein); Weaver, Kiel; Berenter, Alexandra
Cc: Walthall, Brent; jbuckman@friantwater.org; cathy.crothers@water.ca.gov
Subject: Title V Language

Hi folks –

To follow-up on the discussion from this morning on language proposed by the CA Department of Water Resources (CDWR) to Title V, attached is a modified language that has been worked out between CDWR, Kern, and Friant. Red language are the edits that have already been made to this title, and the purple is the additional language. While Kern and CDWR would support much stronger language, we understand that is not acceptable to CVP contractors. This language, when integrated into the previous edits (CDWR was not working off the latest language when initially making their edits), it should provide acceptable protections for State Water Project contractors and further clarify the intent of this Act/Title in the event the consistency determination is revoked or challenged. We also believe this language should avoid redirected impacts to CVP contractors. If you have specific questions on this language, Brent with Kern, Jeni with Friant, or Cathy with CDWR are the subject matter experts.

It is our hope this language can be incorporated into Title V. If we need to do a joint call again, I'm fine with that. Thanks,

Kyle

Kyle Lombardi
Legislative Director
House Majority Leader Kevin McCarthy
2421 Rayburn House Office Building
Washington, D.C. 20515

P: 202-225-2915

F: 202-225-2908

www.kevinmccarthy.house.gov

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1 **Green** – Previously revised language

2 **Purple** – Revised language

3 **TITLE V—WATER RIGHTS PROTECTIONS**

4 **SEC. 501. PROTECTIONS FOR STATE WATER PROJECT**
5 **CONTRACTORS.**

6 (a) The Secretary of the Interior (Secretary) shall ensure to the maximum extent practicable
7 that ~~if, as a result of~~ the application of this Act shall be carried out in manner that supports
8 the California Department of Fish and Wildlife consideration of consistency with
9 California Fish and Game Code section 2081. ~~If the application of this Act results in the~~
10 ~~consequence described in section, the Secretary shall consider whether the actions taken or~~
11 ~~imposed as a result of this Act would be consistent with Section 503.~~

12
13 (b) If, as a result of the application of this Act, the California Department of Fish and
14 Wildlife:

15 (1) revokes the consistency determinations pursuant to California Fish and Game Code
16 section 2080.1 that are applicable to the State Water Project;

17 (2) amends or issues one or more new consistency determinations pursuant to California
18 Fish and Game Code section 2080.1 in a manner that **directly or indirectly** results in
19 reduced water supply to the State Water Project as compared with the water supply
20 available under the Smelt Biological Opinion and the Salmonid Biological Opinion;
21 or

22 (3) requires take authorization under section 2081 for operation of the State Water
23 Project in a manner that **directly or indirectly** results in reduced water supply to the
24 State Water Project as compared with the water supply available under the Smelt
25 Biological Opinion and the Salmonid Biological Opinion,

26
27 and as a consequence of the Department's action, ~~there is an increase in~~ Central Valley Project
28 yield is greater than it would have been absent the Department's actions, that additional yield shall be
29 made available to the State Water Project for delivery to the State Water Project contractors to offset
30 losses resulting from the Department's action. ~~any such increase shall be shared equally with the State~~
31 ~~Water Project. Prior to Within 30 days of implementing this Act, the Secretary shall request written~~
32 ~~notification from the California Department of Fish and Wildlife indicating whether implementation of~~
33 ~~this Act will affect the status of consistency determinations for operation of the State Water Project.~~
34 The Secretary shall immediately notify the director of the California Department of Fish and Wildlife in
35 writing if the Secretary determines that implementation of the Biological Opinions consistent with this
36 Act reduces environmental protections for any species covered by the opinions. Actions implemented
37 under this act are deemed consistent with the biological opinions unless such notice is issued. For any
38 action triggering a notice under this subsection, the Secretary shall coordinate with the Director of the
39 California Department of Fish and Wildlife prior to implementation of that action to consider effects
40 under state law, including processes that may be undertaken, that results in any reduction in protections
41 to listed species in the biological opinions that could facilitate a consideration by the California

Commented [CC1]: This sentence is intended to require the Secretary to consider applying this Act in a manner that would facilitate a process whereby the CDFW could consider issuing a new Consistency Determination. For example, if feds change implementation of BiOp provisions, the Fed Fish agencies could provide supporting documentation and an amended BiOp that CDFW could use to issue a new CD to DWR. I suggest moving and revising this sentence to the end of this section. See Below.

Commented [CC2]: I am ok deleting second sentence.

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Department of Fish and Wildlife in possible findings of consistency with state law.]-

Commented [CC3]: Consider Moving introductory sentence to here.

SEC. 502. AREA OF ORIGIN PROTECTIONS.

(a) The Secretary of the Interior (Secretary) is directed in the operation of the Central Valley Project (CVP) to adhere to California's water rights laws governing water rights priorities and to by honoring water rights senior to those held by the United States for operation of the CVP, regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2. Article 1.7 (commencing with section 1215 of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462 and 11463, and Sections 12200 to 12220, inclusive).

~~(b) Any action that requires that diversions be bypassed or that involves the release of water from any CVP water storage facility taken by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1537, et seq.) shall be applied in a manner that is consistent with water rights priorities established by California law. [Stuart Somach to provide NCWA redraft of this language consistent with the group's discussion.]~~ Any action undertaken by the Secretary or the Secretary of Commerce pursuant to this Act to implement Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1537, et seq.), as amended, that requires that diversions from the Sacramento River or the San Joaquin River watersheds upstream of the Delta be bypassed shall be consistent with water rights priorities established by California law. Nothing in this Title alters the existing authorities provided to and obligations place upon the Federal government under the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.), as amended.

SEC. 503. NO REDIRECTED ADVERSE IMPACTS.

(a) No provision of this Act shall be interpreted or implemented to prevent the protections provided by this Section 503. The Secretary shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this Act, including, but not limited to, such actions under the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) as amended and other federal and state laws, shall not directly or indirectly result in the involuntary reduction of water supply or fiscal impacts to individuals or districts who receive water from either the State Water Project or from the United States under water rights settlement contracts, exchange contracts, water service contracts, water supply contracts, or repayment contracts or cause redirected adverse water supply or fiscal impacts to those within the Sacramento River watershed, the San Joaquin River watershed or the State Water Project service area.

(b) To the extent that costs are incurred solely pursuant to or as a result of this Act and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

~~(c) Except as provided in this Act, n~~ Nothing in this Act shall modify or amend the rights and obligations of the parties to any existing water service, repayment, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange contracts and settlement contracts prior to the allocation of any other Central Valley

Commented [CC4]: Intended to capture actions that are imposed as a result of this Act, including actions under state law that affect CDWR.

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Project ~~yield~~ water. [This language was developed in the call immediately following the large group call, per the request made to the representatives of Westlands, the Exchange Contractors, Friant and Kern.]

(d) Nothing in this Act shall modify or amend the rights and obligations of the parties to any existing State Water Project water supply or settlement contract with the State.

SEC. 504. EFFECT ON EXISTING LAWS.

Nothing in this Act preempts ~~any State law in effect on the date of enactment of this Act~~ or modifies any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law including established water rights priorities.

SEC. 505. [TCCA PROPOSED LANGUAGE].

[This language was provided separately. Refinements to this language were worked out after the group call by the representatives of Westlands, the Exchange Contractors, Friant and Kern.]

From: Nelson, Damon
Sent: Tuesday, November 18, 2014 11:38 AM
To: Tom Birmingham
Subject: RE: Needed Direction

Where are you?

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Tuesday, November 18, 2014 1:36 PM
To: 'John Watts'; Weaver, Kiel; Nelson, Damon; Butler, Jessica
Cc: 'David L. 'Bernhardt'
Subject: Needed Direction

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I am ok with deleting the second sentence of Section 501.

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Cathy Crothers, Chief Counsel
California Department of Water Resources
1416 Ninth Street, Room 1104-4
Sacramento, CA 94236-001

Cathy.Crothers@water.ca.gov
916.653.5613 office phone
[REDACTED] cell phone

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From: Cowin, Mark@DWR

Sent: Tuesday, November 18, 2014 7:46 AM

To: Tom Birmingham

Cc: Walthall, Brent@kcwa.com; Jennifer T. Buckman - Friant; John Watts; Weaver, Kiel; Nelson, Damon; Lombardi, Kyle; Butler, Jessica; Petersen, Scott; David L. 'Bernhardt; Crothers, Cathy@DWR

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Sent: Monday, November 17, 2014 7:39 PM
To: Watts, John (Feinstein); Weaver, Kiel; Berenter, Alexandra
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www.kevinmccarthy.house.gov

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Subject: RE: Needed Direction

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From: Jason Peltier

Sent: Tuesday, November 18, 2014 5:09 PM

To: 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'; T Birmingham (tbirmingham@westlandswater.org); Dennis Cardoza

Subject: Legis update

This just in ... Talks on drought bill underway on Capitol Hill; Restore the Delta responds

Categories:

[Other news](#), [Sliderbox Posts](#)

by [Maven](#)

November 18, 2014

From Michael Doyle at McClatchy News DC and Mark Grossi with the Fresno Bee:



“ *California’s water future is boiling below the surface this week.*

Only the chosen few have a clue about details. Bill documents, currently about 50 pages, are stamped “confidential draft language, do not distribute.” Capitol Hill doors are shut, congressional timetables are opaque and negotiators are strictly mum.

“We’ve taken our vow of secrecy,” Rep. David Valadao, R-Calif., said Tuesday. ...”

Continue reading at McClatchy News here: [Talks on drought bill underway on Capitol Hill](#)

Restore the Delta has issued the following press release:

“Restore the Delta (RTD), opponents of Gov. Brown’s rush to build Peripheral Tunnels that would drain the Delta and doom salmon and other Pacific fisheries, today criticized Senator Dianne Feinstein for pushing a secret “drought relief” measure to allow more water for Westlands’ and Kern Water Districts’ mega-growers in the midst of a severe drought. “Senator Feinstein is carrying water for industrial growers who have planted tens of thousands of acres of almonds and other permanent crops in the midst of the past several very dry years,” said Barbara Barrigan-Parrilla, executive director of Restore the Delta. “Sen. Feinstein is rushing through legislation to aid these growers at the expense of the rest of California. Right now, the head of Westlands Water District is helping write legislation for a massive water grab sponsored by Sen. Feinstein. Californians should be on red alert. ...”

Read the full press release here: [Delta Tunnel Opponents: Secret Sen. Feinstein Bill to Throw Out Protections for Fisheries, Farms & Humans; Bill Could Help Tunnels Approval](#)

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Subject: Sorry, here is the full Bee article...

Talks on drought bill underway on Capitol Hill

By Michael Doyle and Mark Grossi

McClatchy Washington Bureau November 18, 2014

2014-11-18T22:56:37Z

By Michael Doyle and Mark Grossi McClatchy_Newspapers

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Rancher Jon Pedotti walks on the cracked remains of a parched lake bed on his ranch located along San Simeon Creek in the Santa Lucia Mountain foothills of Cambria, Calif.

AL SEIB — Los Angeles Times/MCT

WASHINGTON — California's water future is boiling below the surface this week.

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“We’ve taken our vow of secrecy,” Rep. David Valadao, R-Calif., said Tuesday.

The coming days, though, could be crucial.

House Republicans and Democratic Sen. Dianne Feinstein of California and their respective staff members have been amicably swapping proposed language and coming ever-closer to agreement. On Thursday, California’s GOP House members received a detailed briefing at their weekly lunch.

In a potentially telling move, Westlands Water District General Manager Tom Birmingham arrived in Washington this week. The water-hungry Westlands district stands to be a big winner in the legislation, and Birmingham’s presence enables him to weigh in, and possibly sign-off, more quickly.

“We’ve been talking about this legislation for months,” Birmingham said Tuesday.

Like most other farm contractors on the federal Central Valley Project, the Rhode Island-sized Westlands Water District was left with a zero allocation of Northern California river water. Farm leaders challenged the way state and federal officials divided up the little water that was available in this intense drought.

Responding to farmer unrest, the GOP-controlled House passed a far-reaching bill in February. Drawing largely on a bill previously introduced by Rep. Devin Nunes, R-Calif., it rolled back a landmark 1992 law that directed more water to protect the Sacramento-San Joaquin Delta. The bill also removed wild-and-scenic protections from a half mile of the Merced River and authorized new water storage projects, among other provisions.

The Senate countered in May with a slimmed-down bill passed by unanimous consent, also without a committee hearing.

Democrats who voted against the 68-page House bill, and whose congressional districts span part of the 1,100 square-mile delta, have complained they have been shut out of the subsequent negotiations. Some have seen scraps of language, such as a draft that cited the “significant public interest” and “urgency” over completing water storage project feasibility studies.

One draft version was 48 pages; by the time it’s put into formal legislative language, the final bill could be upwards of 60 pages or more.

Environmentalists, fishing and wildlife advocates also want a public hearing on any drought legislation. They say they hear rumors of a bill that ignores environmental law to get more Northern California water for Westlands, a 600,000-acre district based mainly in Fresno County.

Jerry Cadagan, longtime water activist, said many groups do not want such a bill to pass quietly through the Senate.

“If there’s no opposition, wham! It could go through,” he said. “That’s what we fear.”

Seven groups have written their concerns and opposition to Feinstein. The groups include the National Resources Defense Council, Audubon California and Ducks Unlimited.

“With decades of experience, Sen. Feinstein knows the importance of being inclusive on controversial and complex pieces of legislation that impact not only the state of California, but other Western states,” environmental activist Patricia Schifferle said Tuesday.

Feinstein’s spokesman, Tom Mentzer, said Tuesday only that “draft language continues to be negotiated between House and Senate offices and nothing is final.” Feinstein’s California colleague, Democratic Sen. Barbara Boxer, who chairs the Environment and Public Works Committee, has yielded leadership on the water issue to Feinstein.

Republicans add that the House Democrats who represent the Delta and Northern California are never going to vote for the final bill anyway, so it makes no political sense to let them into the room where the deals are cut. One of the few Democrats besides Feinstein who’s privy to details is comfortable with this calculation.

“I’d like to see if we can get an agreement by the end of this week,” Rep. Jim Costa of California, one of the few Democrats to vote for the House bill, said Tuesday. “If we’re successful, then we can share the language with others.”

The one-sided secrecy is also a kind of mirror image of what happened in 1992, when Democrats stiff-armed Republicans in writing the environmentally oriented Central Valley Project Improvement Act. Republican and farmer anger over the 1992 CVPIA contributed to years of litigation, restlessness and, ultimately, backlash.

Read more here: http://www.mcclatchydc.com/2014/11/18/247275_talks-on-drought-bill-underway.html?rh=1#storylink=cpy

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Sent: Tuesday, November 18, 2014 5:43 PM
To: Thomas W. (Tom) Birmingham Esq.
Subject: Fwd: Sorry, here is the full Bee article...
Attachments: image001.jpg

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Begin forwarded message:

From: Jason Peltier <jpeltier@westlandswater.org>
Date: November 18, 2014 at 7:13:09 PM EST
To: "T Birmingham (tbirmingham@westlandswater.org)" <tbirmingham@westlandswater.org>, Dennis Cardoza <dcardoza@foley.com>, 'Alan Elias' <aalias@mercuryllc.com>, 'Alison MacLeod' <amacleod@ka-pow.com>, 'Carmela McHenry' <cmchenry@ka-pow.com>, "'Carolyn Jensen'" <cjensen@ka-pow.com>, 'Catherine Karen' <ckaren@sidley.com>, "'Cheryl Faunce'" <cfaunce@cwdc.com>, 'Dan Pope' <dpope@westlandswater.org>, "'Darlene Knauf'" <dknauf@foley.com>, 'David Bernhardt' <dbernhardt@BHFS.com>, "'Doug Subers'" <dsubers@ka-pow.com>, 'Ed Manning' <emanning@ka-pow.com>, "'Erick Mullen'" <emullen@mercuryllc.com>, 'Gayle Holman' <gholman@westlandswater.org>, 'Jason Peltier' <jpeltier@westlandswater.org>, 'Jim Watson' <jwatson@westlandswater.org>, 'Joe Findaro' <joe.findaro@akerman.com>, 'Mike Burns' <mburns@ka-pow.com>, 'Sheila Greene' <sgreene@westlandswater.org>, 'Susan Ramos' <sramos@westlandswater.org>
Subject: Sorry, here is the full Bee article...

Talks on drought bill underway on Capitol Hill

By Michael Doyle and Mark Grossi
McClatchy Washington Bureau November 18, 2014
2014-11-18T22:56:37Z
By Michael Doyle and Mark Grossi McClatchy_Newspapers
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Rancher Jon Pedotti walks on the cracked remains of a parched lake bed on his ranch located along San Simeon Creek in the Santa Lucia Mountain foothills of Cambria, Calif.

AL SEIB — Los Angeles Times/MCT

WASHINGTON — California's water future is boiling below the surface this week.

Only the chosen few have a clue about details. Bill documents, currently about 50 pages, are stamped "confidential draft language, do not distribute." Capitol Hill doors are shut, congressional timetables are opaque and negotiators are strictly mum.

"We've taken our vow of secrecy," Rep. David Valadao, R-Calif., said Tuesday.

The coming days, though, could be crucial.

House Republicans and Democratic Sen. Dianne Feinstein of California and their respective staff members have been amicably swapping proposed language and coming ever-closer to agreement. On Thursday, California's GOP House members received a detailed briefing at their weekly lunch.

In a potentially telling move, Westlands Water District General Manager Tom Birmingham arrived in Washington this week. The water-hungry Westlands district stands to be a big winner in the legislation, and Birmingham's presence enables him to weigh in, and possibly sign-off, more quickly.

"We've been talking about this legislation for months," Birmingham said Tuesday.

Like most other farm contractors on the federal Central Valley Project, the Rhode Island-sized Westlands Water District was left with a zero allocation of Northern California river water. Farm leaders challenged the way state and federal officials divided up the little water that was available in this intense drought.

Responding to farmer unrest, the GOP-controlled House passed a far-reaching bill in February. Drawing largely on a bill previously introduced by Rep. Devin Nunes, R-Calif., it rolled back a landmark 1992 law that directed more water to protect the Sacramento-San Joaquin Delta. The bill also removed wild-and-scenic protections from a half mile of the Merced River and authorized new water storage projects, among other provisions.

The Senate countered in May with a slimmed-down bill passed by unanimous consent, also without a committee hearing.

Democrats who voted against the 68-page House bill, and whose congressional districts span part of the 1,100 square-mile delta, have complained they have been shut out of the subsequent negotiations. Some have seen scraps of language, such as a draft that cited the “significant public interest” and “urgency” over completing water storage project feasibility studies.

One draft version was 48 pages; by the time it’s put into formal legislative language, the final bill could be upwards of 60 pages or more.

Environmentalists, fishing and wildlife advocates also want a public hearing on any drought legislation. They say they hear rumors of a bill that ignores environmental law to get more Northern California water for Westlands, a 600,000-acre district based mainly in Fresno County. Jerry Cadagan, longtime water activist, said many groups do not want such a bill to pass quietly through the Senate.

“If there’s no opposition, wham! It could go through,” he said. “That’s what we fear.”

Seven groups have written their concerns and opposition to Feinstein. The groups include the National Resources Defense Council, Audubon California and Ducks Unlimited.

“With decades of experience, Sen. Feinstein knows the importance of being inclusive on controversial and complex pieces of legislation that impact not only the state of California, but other Western states,” environmental activist Patricia Schifferle said Tuesday.

Feinstein’s spokesman, Tom Mentzer, said Tuesday only that “draft language continues to be negotiated between House and Senate offices and nothing is final.” Feinstein’s California colleague, Democratic Sen. Barbara Boxer, who chairs the Environment and Public Works Committee, has yielded leadership on the water issue to Feinstein.

Republicans add that the House Democrats who represent the Delta and Northern California are never going to vote for the final bill anyway, so it makes no political sense to let them into the room where the deals are cut. One of the few Democrats besides Feinstein who’s privy to details is comfortable with this calculation.

“I’d like to see if we can get an agreement by the end of this week,” Rep. Jim Costa of California, one of the few Democrats to vote for the House bill, said Tuesday. “If we’re successful, then we can share the language with others.”

The one-sided secrecy is also a kind of mirror image of what happened in 1992, when Democrats stiff-armed Republicans in writing the environmentally oriented Central Valley Project Improvement Act. Republican and farmer anger over the 1992 CVPIA contributed to years of litigation, restlessness and, ultimately, backlash.

Read more here: http://www.mcclatchydc.com/2014/11/18/247275_talks-on-drought-bill-underway.html?rh=1#storylink=cpy

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From: Berliner, Thomas M.
Sent: Tuesday, November 18, 2014 5:56 PM
To: dbernhardt@bhfs.com
CC: Thomas Birmingham (tbirmingham@westlandswater.org)
Subject: Drought legislation - ESA emergency actions

Dear Mr. Bernhardt,

I am contacting you at the urging of John Watts regarding draft language included in Sec. 311 of the draft drought legislation. I represent the San Joaquin River Exchange Contractors Water Authority and we proposed the language to assist Delta diverters move more water south. The situation is as follows and I would like your thoughts. The following was sent to some water managers Saturday, but we don't have a definitive response.

Section 309 will allow for 28 days of consecutive pumping at up to -7500 OMR without the need to consult. We had proposed what became Sec. 311, which will permit other emergency actions, e.g. additional pumping, other actions, in addition to the 309 action, but would require that if a consultation determined that mitigation was needed, that it would occur only after the emergency was over and would be limited to the effect of the action taken provided there was objective evidence of harm. The goal is to avoid the situation we had this year where the Services resisted emergency actions by DWR/USBR, claimed there would have been harm, and then when they permitted some additional pumping the mitigation required was unrelated to any documented harm and largely eliminated the benefit of the prior pumping. The proposed Sec. 311 seeks to help level the playing field. However, the fish agencies are pushing back, claiming that if consultation is needed, it will require reconsultation on the entire CVP/SWP operation. I disagree. Reconsultation on some days of additional pumping or other physical actions would be limited to the scope of the action taken and the effects of that action. It would not be necessary to consider the same scope as OCAP consultation. Further, since it would be conducted as an after the fact consultation, it would be known what actions were taken and monitoring would provide data about the effects. When proposing this, we did not see this as a means to exceed take limits at the pumps due to the political fallout that would result.

Due to agency objections, Sec. 311 may be eliminated. If you all are ok with that, we are too. However, if you would like to see the agencies have to account for their mitigation requirements and that those requirements be based on objective data, you should weigh in with John Watts and probably Kiel Weaver. It may be that some adjustment to the proposed text would be necessary to get the agencies to go along (haven't heard if they are amenable). It may be that this is too much of a lift at this point, but we wanted to let you know the latest re this provision. The text of the version proposed by the Exchange Contractors is sets forth below. The House amended the provision to require that mitigation occur only after 2 above normal years.

"In the event the Commissioner takes additional emergency measures to address impacts of the drought, without time limitation, no more than necessary to achieve the purposes of Sections 300-309(a) – (f) and (i), consistent with the environmental protections in subsections (d) and (e), and provided that if consultation is necessary, such consultation shall occur after termination of the drought emergency declared by the Governor, and any mitigation, if any, shall only be required based on objective findings and to the extent of quantified impacts."

Your thoughts are much appreciated.

Best regards,
Tom Berliner

DuaneMorris

www.duanemorris.com

Thomas M. Berliner
Partner

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From: UberConference

Sent: Tuesday, November 18, 2014 10:36 PM

To: gholman@westlandswater.org

Subject: Conference Invite from Cannon Michael: Water PR - Fed Legislation on Wednesday November 19, 2014 @ 3:00 pm (PST)

Attachments: invite.ics



Cannon Michael has invited you to a conference call:

Water PR - Fed Legislation

November 19, 2014 at 3:00PM (PST)

Ways to Join

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PIN needed.

Alternate #: 209-████-████

Invited Participants

Jason Peltier, Aubrey Bettencourt, Sarah Woolf, Roger Isom, John Harris, Dan Nelson, David Bernhardt, Mike Henry, Sean Geivet, Chris Hurd, Joel Nelsen, Cannon Michael, Chase Hurley, Trudi Hughes, William Bourdeau, Dave Puglia, John Kabateck, Dan Vink, Mario Santoyo, Steve Chedester, Jennifer T. Buckman, Dominic DiMare, Louie Brown, Daniel Errotabere, Alyssa Houtby, Maria Gutierrez, Gayle Holman, Aimee Brooks, Martin McIntyre, Ronald Jacobsma, Dennis Cardoza, Clare Foley, Mike Wade, Steve Chedester, Dan Keppen, Nancy Williams, Cannon Michael, Erik Hansen, Shawn Coburn, Ara Azhderian, Tony Azevedo, Chris White, Thomas Birmingham, Susan Mussett

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From: UberConference

Sent: Tuesday, November 18, 2014 10:36 PM

To: jpeltier@westlandswater.org

Subject: Conference Invite from Cannon Michael: Water PR - Fed Legislation on Wednesday November 19, 2014 @ 3:00 pm (PST)

Attachments: invite.ics



Cannon Michael has invited you to a conference call:

Water PR - Fed Legislation

November 19, 2014 at 3:00PM (PST)

Ways to Join

Go to: <https://www.uberconference.com/waterpr> or just call 877-842-5995 . No PIN needed.

Alternate #: 209-774-9021

Invited Participants

Jason Peltier, Aubrey Bettencourt, Sarah Woolf, Roger Isom, John Harris, Dan Nelson, David Bernhardt, Mike Henry, Sean Geivet, Chris Hurd, Joel Nelsen, Cannon Michael, Chase Hurley, Trudi Hughes, William Bourdeau, Dave Puglia, John Kabateck, Dan Vink, Mario Santoyo, Steve Chedester, Jennifer T. Buckman, Dominic DiMare, Louie Brown, Daniel Errotabere, Alyssa Houtby, Maria Gutierrez, Gayle Holman, Aimee Brooks, Martin McIntyre, Ronald Jacobsma, Dennis Cardoza, Clare Foley, Mike Wade, Steve Chedester, Dan Keppen, Nancy Williams, Cannon Michael, Erik Hansen, Shawn Coburn, Ara Azhderian, Tony Azevedo, Chris White, Thomas Birmingham, Susan Mussett

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UberConference

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From: Tom Birmingham
Sent: Wednesday, November 19, 2014 7:00 AM
To: David L. Bernhardt
CC: Kyle Lombardi
Subject: Fwd: Conference Call - Tomorrow 9AM PST

David,
Please join this call if you are available.
Tom

Sent from my iPhone

Begin forwarded message:

From: "Lombardi, Kyle" <Kyle.Lombardi@mail.house.gov>
Date: November 18, 2014 at 7:44:48 PM EST
To: Tom Birmingham <tbirmingham@westlandswater.org>, "Walthall, Brent" <bwalthall@kcwa.com>, "Cowin, Mark@DWR" <Mark.Cowin@water.ca.gov>, "Crothers, Cathy@DWR" <Cathy.Crothers@water.ca.gov>, "Weaver, Kiel" <Kiel.Weaver@mail.house.gov>, "Watts, John (Feinstein)" (John_Watts@feinstein.senate.gov)" <John_Watts@feinstein.senate.gov>, "jbuckman@friantwater.org" <jbuckman@friantwater.org>
Subject: Conference Call - Tomorrow 9AM PST

Hi all –

I would like to setup a conference call tomorrow at 9AM California time to specifically discuss the recently proposed revisions to Title V (attached) submitted by CDWR. To avoid confusion, this call is **different** than the one recently proposed by John Watts with some of you and Interior. The purpose of this call is to work out agreement on the additional Title V language...we're so close.

Conference Number: 712-■■■■-■■■■
Pass Code: ■■■■■■

Thanks,

Kyle

Kyle Lombardi
Legislative Director
House Majority Leader Kevin McCarthy
2421 Rayburn House Office Building
Washington, D.C. 20515

P: 202-225-2915
F: 202-225-2908

www.kevinmccarthy.house.gov

From: Bernhardt, David L.

Sent: Wednesday, November 19, 2014 11:17 AM

To: 'Kyle.Lombardi@mail.house.gov'

CC: Kiel.Weaver@mail.house.gov; Thomas W. Birmingham (tbirmingham@westlandswater.org); 'Watts, John (Feinstein)'

Subject: Edits from Call regarding title V

Attachments: Title V Edits 11-17-14 (4)editsfromcall.docx

Kyle: Here are the edits based on the telephone call you held. Please circulate them to the group. I was not on the distribution list.

David

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Green – Previously revised language

Purple – Revised language

TITLE V—WATER RIGHTS PROTECTIONS

SEC. 501. PROTECTIONS FOR STATE WATER PROJECT CONTRACTORS.

(a) The Secretary of the Interior (Secretary) shall confer with the California Department of Fish and Wildlife in connection with the implementation ~~ensure to the maximum extent practicable that If, as a result of the application of this Act on potential impacts to, shall be carried out in manner that supports the California Department of Fish and Wildlife consideration of any consistency determination for operations of the State Water Project with issued pursuant to~~ California Fish and Game Code section 2081. ~~If the application of this Act results in the consequence described in section, the Secretary shall consider whether the actions taken or imposed as a result of this Act would be consistent with Section 503.~~

(b) If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(1) revokes the consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

(2) amends or issues one or more new consistency determinations pursuant to California Fish and Game Code section 2080.1 in a manner that **directly or indirectly** results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion; or

(3) requires take authorization under section 2081 for operation of the State Water Project in a manner that **directly or indirectly** results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion,

and as a consequence of the **Department's action, there is an increase in** Central Valley Project yield is greater than it would have been absent the Department's actions, that additional yield shall be made available to the State Water Project for delivery to the State Water Project contractors **to offset losses resulting from the Department's action.** ~~any such increase shall be shared equally with the State Water Project. Prior to Within 30 days of implementing this Act, the Secretary shall request written notification from the California Department of Fish and Wildlife indicating whether implementation of this Act will affect the status of consistency determinations for operation of the State Water Project.~~ The Secretary shall immediately notify the director of the California Department of Fish and Wildlife in writing if the Secretary determines that implementation of the Biological Opinions consistent with this Act reduces environmental protections for any species covered by the opinions. ~~Actions implemented under this act are deemed consistent with the biological opinions unless such notice is issued. For any action triggering a notice under this subsection, the Secretary shall coordinate with the Director of the~~

~~California Department of Fish and Wildlife prior to implementation of that action that results in any reduction in protections to listed species in the biological opinions.~~

SEC. 502. AREA OF ORIGIN PROTECTIONS.

(a) The Secretary of the Interior (Secretary) is directed in the operation of the Central Valley Project (CVP) to adhere to California's water rights laws governing water rights priorities ~~and to by honoring water rights senior to those held by the United States for operation of the CVP,~~ regardless of the source of priority, including any appropriative water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2. Article 1.7 (commencing with section 1215 of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462 and 11463, and Sections 12200 to 12220, inclusive).

(b) ~~Any action that requires that diversions be bypassed or that involves the release of water from any CVP water storage facility taken by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1537, et seq.) shall be applied in a manner that is consistent with water rights priorities established by California law. [Stuart Somach to provide NCWA redraft of this language consistent with the group's discussion.]~~ Any action undertaken by the Secretary or the Secretary of Commerce pursuant to this Act to implement Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1537, et seq.), as amended, that requires that diversions from the Sacramento River or the San Joaquin River watersheds upstream of the Delta be bypassed shall be consistent with water rights priorities established by California law. Nothing in this Title alters the existing authorities provided to and obligations place upon the Federal government under the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.), as amended.

SEC. 503. NO REDIRECTED ADVERSE IMPACTS.

(a) ~~No provision of this Act shall be interpreted or implemented to prevent the protections provided by this Section 503.~~ The Secretary shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this Act, including, but not limited to, such actions under the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) as amended and other applicable federal and state laws, shall not directly or indirectly result in the involuntary reduction of water supply ~~or fiscal impacts~~ to individuals or districts who receive water from either the State Water Project or from the United States under water rights settlement contracts, exchange contracts, water service ~~contracts, water supply contracts, or~~ repayment contracts, or water supply contracts ~~or cause redirected adverse water supply or fiscal impacts to those within the Sacramento River watershed, the San Joaquin River watershed or the State Water Project service area.~~

(b) To the extent that costs are incurred solely pursuant to or as a result of this Act and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(c) ~~Except as provided in this Act, n~~ Nothing in this Act shall modify or amend the rights and obligations of the parties to any existing water service, repayment, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange

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1 contracts and settlement contracts prior to ~~the~~ allocation of ~~any other~~ Central Valley
2 Project ~~yield~~ water. *[This language was developed in the call immediately following the*
3 *large group call, per the request made to the representatives of Westlands, the Exchange*
4 *Contractors, Friant and Kern.]*

5 (d) Nothing in this Act shall modify or amend the rights and obligations of the parties to any
6 existing State Water Project water supply or settlement contract with the State.

7 **SEC. 504. EFFECT ON EXISTING LAWS.**

8 Nothing in this Act preempts ~~any State law in effect on the date of enactment of this Act~~ or
9 modifies any existing obligation of the United States under Federal reclamation law to operate
10 the Central Valley Project in conformity with State law including established water rights
11 priorities.

12
13 **SEC. 505. [TCCA PROPOSED LANGUAGE].**

14 *[This language was provided separately. Refinements to this language were worked out after*
15 *the group call by the representatives of Westlands, the Exchange Contractors, Friant and Kern.]*

From: Tom Birmingham
Sent: Wednesday, November 19, 2014 11:34 AM
To: jbuckman@friantwater.org
Subject: Fwd: Edits from Call regarding title V
Attachments: Title V Edits 11-17-14 (4)editsfromcall.docx; Untitled attachment 00994.htm

Jeni,
Here is the document.
Tom

Sent from my iPhone

From: "Bernhardt, David L." <DBernhardt@BHFS.com>
Date: November 19, 2014 at 1:17:20 PM EST
To: "'Kyle.Lombardi@mail.house.gov'" <Kyle.Lombardi@mail.house.gov>
Cc: "'Kiel.Weaver@mail.house.gov'" <Kiel.Weaver@mail.house.gov>, "Thomas W. Birmingham (tbirmingham@westlandswater.org)" <tbirmingham@westlandswater.org>, "'Watts, John (Feinstein)'" <John_Watts@feinstein.senate.gov>
Subject: Edits from Call regarding title V

Kyle: Here are the edits based on the telephone call you held. Please circulate them to the group. I was not on the distribution list.

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(b) If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(1) revokes the consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

(2) amends or issues one or more new consistency determinations pursuant to California Fish and Game Code section 2080.1 in a manner that **directly or indirectly** results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion; or

(3) requires take authorization under section 2081 for operation of the State Water Project in a manner that **directly or indirectly** results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion,

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~~California Department of Fish and Wildlife prior to implementation of that action that results in any reduction in protections to listed species in the biological opinions.~~

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(b) To the extent that costs are incurred solely pursuant to or as a result of this Act and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(c) ~~Except as provided in this Act, n~~ Nothing in this Act shall modify or amend the rights and obligations of the parties to any existing water service, repayment, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange

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13 **SEC. 505. [TCCA PROPOSED LANGUAGE].**

14 *[This language was provided separately. Refinements to this language were worked out after*
15 *the group call by the representatives of Westlands, the Exchange Contractors, Friant and Kern.]*

From: Jennifer Buckman
Sent: Wednesday, November 19, 2014 11:51 AM
To: Tom Birmingham
Subject: RE: Edits from Call regarding title V

Thanks. I will try to compare this with my revised version quickly before our call.

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Wednesday, November 19, 2014 10:34 AM
To: Jennifer Buckman
Subject: Fwd: Edits from Call regarding title V

Jeni,
Here is the document.
Tom

Sent from my iPhone

From: "Bernhardt, David L." <DBernhardt@BHFS.com>
Date: November 19, 2014 at 1:17:20 PM EST
To: "'Kyle.Lombardi@mail.house.gov'" <Kyle.Lombardi@mail.house.gov>
Cc: "'Kiel.Weaver@mail.house.gov'" <Kiel.Weaver@mail.house.gov>, "Thomas W. Birmingham (tbirmingham@westlandswater.org)" <tbirmingham@westlandswater.org>, "'Watts, John (Feinstein)'" <John_Watts@feinstein.senate.gov>
Subject: Edits from Call regarding title V

Kyle: Here are the edits based on the telephone call you held. Please circulate them to the group. I was not on the distribution list.

David

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From: Jennifer Buckman
Sent: Wednesday, November 19, 2014 12:11 PM
To: Tom Birmingham; 'David Bernhardt'
Subject: RE: Edits from Call regarding title V
Attachments: Title V - 11-19-14 reconciled.docx

Importance: High

Here is a revised version that reconciles David's version with mine. All the clean up was technical and minor. I had missed the inclusion of "either" and a few other little things like that.

Jennifer T. Buckman, Esq.
General Counsel
Friant Water Authority
916.382.4344
916.804.0173 (cell)

From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Wednesday, November 19, 2014 10:34 AM
To: Jennifer Buckman
Subject: Fwd: Edits from Call regarding title V

Jeni,
Here is the document.
Tom

Sent from my iPhone

From: "Bernhardt, David L." <DBernhardt@BHFS.com>
Date: November 19, 2014 at 1:17:20 PM EST
To: "'Kyle.Lombardi@mail.house.gov'" <Kyle.Lombardi@mail.house.gov>
Cc: "'Kiel.Weaver@mail.house.gov'" <Kiel.Weaver@mail.house.gov>, "Thomas W. Birmingham (tbirmingham@westlandswater.org)" <tbirmingham@westlandswater.org>, "'Watts, John (Feinstein)'" <John_Watts@feinstein.senate.gov>
Subject: Edits from Call regarding title V

Kyle: Here are the edits based on the telephone call you held. Please circulate them to the group. I was not on the distribution list.

David

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TITLE V—WATER RIGHTS PROTECTIONS

SEC. 501. PROTECTIONS FOR STATE WATER PROJECT CONTRACTORS.

~~If, as a result of the application of this Act, the California Department of Fish and Wildlife:~~

(a) The Secretary of the Interior shall confer with the California Department of Fish and Wildlife in connection with the implementation of this Act on potential impacts to any consistency determination issued for operations of the State Water Project issued pursuant to California Fish and Game Code section 2081.

(b) If, as a result of the application of this Act, the California Department of Fish and Wildlife:

(i) revokes the consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

(ii) amends or issues one or more new consistency determinations pursuant to California Fish and Game Code section 2080.1 in a manner that directly or indirectly results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion; or

(iii) requires take authorization under section 2081 for operation of the State Water Project in a manner that directly or indirectly results in reduced water supply to the State Water Project as compared with the water supply available under the Smelt Biological Opinion and the Salmonid Biological Opinion,

and as a consequence of the Department's action, the Central Valley Project yield is greater able to export more water than it would have been exported absent the Department's actions and there is an increase in Central Valley Project yield, any such that additional yield increase shall be shared equally with made available to the State Water Project for delivery to State Water Project contractors to offset losses resulting from the Department's action. Within 30 days of implementing this Act, the Secretary shall request written immediately notification from the Director of the California Department of Fish and Wildlife in writing if the Secretary determines that indicating whether implementation of the Biological Opinions consistent with this Act will affect the status of reduces environmental protections for any species covered by the opinions. consistency determinations for operation of the State Water Project.

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SEC. 502. AREA OF ORIGIN PROTECTIONS.

(a) The Secretary of the Interior (Secretary) is directed in the operation of the Central Valley Project (CVP) to adhere to California's water rights laws governing water rights priorities and to honor water rights senior to those held by the United States for operation of the CVP, regardless of the source of priority, including any appropriative water rights initiated prior to December 19,

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1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2, Article 1.7 (commencing with section 1215 of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462 and 11463, and Sections 12200 to 12220, inclusive).

(b) ~~Any action by the Secretary or the Secretary of the Department of Commerce pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531, et seq.) that requires that diversions from the Sacramento River or the San Joaquin River watersheds upstream of the Delta be bypassed shall be undertaken in a manner that is consistent with water rights priorities established by California law. [Stuart and Brent to have follow up discussion]~~

Any action undertaken by the Secretary or the Secretary of Commerce pursuant to both this Act and Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531, et seq.), as amended, that requires that diversions from the Sacramento River or the San Joaquin River watersheds upstream of the Delta be bypassed shall not alter be undertaken in a manner that is consistent with be undertaken in a manner that alters the water rights priorities established by California law. Nothing in this Title alters the existing authorities provided to and obligations placed upon the Federal government under the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.), as amended. and the United States' obligation to make a substitute supply of water available to the San Joaquin River Exchange Contractors and to the other south of Delta settlement contractors, and consistent with the Coordinated Operations Agreement between DWR and USBR, as well as DWR's and USBR's implementation of the Endangered Species Act obligations between 2008-2014.

SEC. 503. NO REDIRECTED ADVERSE IMPACTS.

- (a) The Secretary shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this Act, including, but not limited to, such actions under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) as amended and other applicable federal and state laws, shall not directly or indirectly result in the involuntary reduction of water supply or fiscal impacts to individuals or districts who receive water from either the State Water Project or ~~from~~ the United States under water rights settlement contracts, exchange contracts, water service contracts, or repayment contracts, or water supply contracts or cause redirected adverse water supply or fiscal impacts to those within the Sacramento River watershed, the San Joaquin River watershed or the State Water Project service area.
- (b) To the extent that costs are incurred solely pursuant to or as a result of this Act and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.
- (c) Nothing in this Act shall modify or amend the rights and obligations of the parties to any existing water service, repayment, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange contracts and settlement contracts prior to the allocation of any other Central Valley Project water.
- (d) Nothing in this Act shall modify or amend the rights and obligations of the parties to any existing State Water Project water supply or settlement contract with the State.

SEC. 504. EFFECT ON STATE LAWS.

Nothing in this Act preempts or modifies any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law including established water rights priorities. [John Watts objected to the deletion; there will be follow up discussion with Kyle Lombardi when he is available.]

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SEC. 505. [].

(a) In General.--Subject to: (i) the absolute priority of individuals or entities with Sacramento River water rights, including those with Sacramento River Settlement Contracts, that have priority to the diversion and use of Sacramento River water over water rights held by the United States for operations of the Central Valley Project; (ii) the United States' obligation to make a substitute supply of water available to the San Joaquin River Exchange Contractors; and (iii) subsection (b), the Secretary is directed, in the operation of the Central Valley Project, to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed in compliance with the following:

(1) Not less than 100% of their contract quantities in a "Wet" year.

(2) Not less than 100% of their contract quantities in an "Above Normal" year.

(3) Not less than 100% of their contract quantities in a "Below Normal" year that is preceded by an "Above Normal" or a "Wet" year.

(4) Not less than 50% of their contract quantities in a "Dry" year that is preceded by a "Below Normal," an "Above Normal," or a "Wet" year.

(5) In all other years not identified herein, the allocation percentage for existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed shall not be less than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors, up to 100%; provided, that nothing herein shall preclude an allocation to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed that is greater than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors.

(b) Protection of Municipal and Industrial Supplies.--Nothing in subsection (a) shall be deemed to: (i) modify any provision of a water service contract that addresses municipal and industrial water shortage policies of the Secretary; (ii) affect or limit the authority of the Secretary to adopt or modify municipal and industrial water shortage policies; (iii) affect or limit the authority of the Secretary to implement municipal and industrial water shortage policies; or (iv) affect allocations to Central Valley Project municipal and industrial contractors pursuant to such policies. Neither subsection (a) nor the Secretary's implementation of subsection (a) shall constrain, govern or affect, directly or indirectly, the operations of the Central Valley Project's American River Division or any deliveries from that Division, its units or its facilities.

(c) This section does not affect the allocation of water to Friant Division contractors and shall not result in the involuntary reduction in contract water allocations to individuals or entities with

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1 contracts to receive water from the Friant Division.

2 (d) The Secretary will direct that the United States Bureau of Reclamation develop and
3 implement a program, within one year of enactment of this bill, to provide for the opportunity for
4 existing Central Valley Project agricultural water service contractors within the Sacramento
5 River Watershed to reschedule water, provided for under their CVP water service contracts, from
6 one year to the next.

7 (e) Definitions.--In this section:

8 (1) The term ``existing Central Valley Project agricultural water service contractors
9 within the Sacramento River Watershed" means water service contractors within the Shasta,
10 Trinity, and Sacramento River Divisions of the Central Valley Project, that have a water service
11 contract in effect, on the date of the enactment of this section, that provides water for irrigation.

12 (2) The year type terms used in subsection (a) have the meaning given those year types
13 in the Sacramento Valley Water Year Type (40-30-30) Index.

From: Jason Peltier

Sent: Thursday, November 20, 2014 7:14 AM

To: Tom Birmingham; Dennis Cardoza; Joe Findaro; Denny Rehberg; David Bernhardt

Subject: Feinstein freezes out Northern Californians from water talks | The Sacramento Bee

<http://www.sacbee.com/opinion/editorials/article4020129.html>

From: Jason Peltier

Sent: Thursday, November 20, 2014 9:39 AM

To: T Birmingham (tbirmingham@westlandswater.org); Dennis Cardoza; 'Alan Elias'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Cheryl Faunce'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'

Subject: Mother Jones Article

Tom Philpott

Previous

→ Food and Ag, Regulatory Affairs, Top Stories

Is Dianne Feinstein Crafting a Secret Water Deal to Help Big Pistachio?

—By Tom Philpott

| Thu Nov. 20, 2014 6:00 AM EST

Email

47



Arno Burgi/Zuma

Sen. Dianne Feinstein (D-Calif.) is negotiating a behind-closed-doors deal with Republican lawmakers to pass a bill that would ostensibly address California's drought—an effort that has uncorked a flood of criticism from environmental circles.

Feinstein's quiet push for a compromise drought bill that's palatable to Big Ag-aligned House Republicans has been in the works for six months, Kate Poole, a senior attorney with the Natural Resources Defense Council, told me. And it has accelerated recently, as the Senator hopes to pass it by year end, during the "lame duck" period of the outgoing Democratic-controlled Senate.

Feinstein spokesman Tom Mentzer wrote in an email that "draft language continues to be negotiated between House and Senate offices and nothing is final." But he would divulge no other details—not even a timeline for when a broad outline of the controversial legislation might be released to the public.

The main issue involves management of the Central Valley Project, a federally owned irrigation system that moves water from California's Sierra Nevada mountain range to farmland in the state's main growing region, the Central Valley.

The state's high-powered farm interests, particularly those in the desert-like zones of the Central Valley's southwestern corner, want to maximize their access to these federally controlled water flows. This is precisely the part of the Central Valley that's in the midst of a huge expansion of water-intensive almond and pistachio orchards.

"We've taken our vow of secrecy," Rep. Valadao, who sponsored the House bill, said Tuesday.

Environmental groups like NRDC, meanwhile, seek to ensure sufficient water for the ecologically fragile Sacramento-San Joaquin Delta, which lies at the heart of the Central Valley Project, at the confluence of the state's two largest rivers. The US Fish and Wildlife Service lists 19 Delta-dwelling species as "endangered" or "threatened." The most famous of the threatened fish is the tiny delta smelt, which is what scientists call an "indicator species," meaning that their health serves as a barometer of the larger ecosystem's robustness. The delta smelt occupies the base of the area's food web, feeding on simple organisms like plankton and providing forage for larger fish.

Back in February, the Republican-controlled House passed a bill that would effectively end efforts to reserve substantial water for the Delta and permanently allocate more water to farmers. Central Valley-based Rep. Devin Nunes (R.-Calif.), a major champion of the bill, had sponsored similar bills before the current drought set in, only to see them languish, Poole says. This time, Nunes, along with the bill's sponsor, freshman Central Valley-based Rep. David Valadao (R.-Calif.) "used the drought as an excuse to pass a bunch of wish-list rollbacks these guys have had for a while."

The bill drew widespread derision from Democrats. Back in Sacramento, Gov. Brown condemned it, declaring it would "override state laws and protections, and mandate that certain water interests come out ahead of others." President Obama vowed a veto if the bill made it to his desk, claiming "it would undermine years of collaboration between local, State, and Federal stakeholders to develop a sound water quality control plan for the Bay-Delta."

Meanwhile, Feinstein went to work on a companion Senate "emergency drought" bill. The effort "started out not-so-bad," Poole says. But then, as the sausage-making process went on, it started taking on more agribusiness-friendly provisions, she says—like one that would redirect water from refuges to agricultural water districts, and another that would allow water transfers to farms to occur during critical salmon migration months—despite federal and state protections.

In May, over the fierce objections of environmental groups, Feinstein pushed her bill through the Senate by unanimous consent, avoiding a floor debate. *The San Francisco Chronicle* called it "the product of months of closed-door negotiations with various interests, including House Republicans... Bay Area Democrats, who voiced their concerns, and various stakeholders including farm groups."

The House bill's sponsors applauded, expressing confidence that the two chambers could "come up with a bill for the president to sign, so we can fix this problem."

Soon after, Feinstein's behind-the-scenes negotiations with those GOP lawmakers began. They never bore fruit, sidetracked by generalized partisan wrangling in the run-up to the November elections. But now that the election is over, Feinstein is pushing hard to ram a compromise through Congress in the lame-duck session. California's senior senator isn't the only one who refuses to reveal details of the effort. "We've taken our vow of secrecy," Rep. Valadao, who sponsored the House bill, told McClatchy news service Tuesday. Meanwhile, Tom Birmingham, general manager of the Westlands Water District, arrived in Washington this week to weigh in on the deal, McClatchy reported. The nation's largest water district, Westlands supplies irrigation water to more 1,000 square miles of ag-rich, water-poor farmland in the southern Central Valley.

Environmentalists, stung by the lack of transparency, fear the worst. Patricia Schifferle of Pacific Advocates, a long-time observer of California's water wars, notes that what's being worked out is a compromise between a House bill that is "very detrimental in terms of water-quality protections and environmental protections" and a Senate bill that's not much better—meaning that any likely compromise is likely to "take more water from the environment and give more to the west side of the southern San Joaquin [Central] Valley."

Feinstein has long-time connections to some of the biggest players in the southern Central Valley agriculture, including the Resnick family, which owns a vast agricultural empire built on pistachios, almonds, and pomegranates.

The NRDC's Poole says it's anyone's guess whether Obama would sign such a bill. She said the president would likely look to high-level California Democrats for guidance. Obama's vow to veto the House bill came after Gov. Brown's announced his fierce opposition to it, she pointed out. I asked Brown's office for the governor's take on Feinstein's latest effort. "We have not taken a position on this legislation," a spokesperson replied. I followed up to ask whether Brown or his team had seen drafts of the legislation, but got no reply.

Feinstein, it should be noted, has long-time connections to some of the biggest players in the southern Central Valley agriculture, including the Resnick family, which owns a vast agricultural empire built on pistachios, almonds, and pomegranates. According to the money-in-politics tracker

Open Secrets, the Resnicks donated \$9,800 to Feinstein's campaign in the 2011-'13 period, and \$17,900 to Rep. Valadao, the sponsor of the House bill. Westland Water District has also donated to Feinstein, Nunes, and Valadao (see its 2012 and 2014 contributions).

And Feinstein has certainly carried water, so to speak, for the Resnicks before. Back in 2009, according to the investigative website California Watch, Stewart Resnick "wrote to Feinstein, complaining that the latest federal plan to rescue the Delta's endangered salmon and smelt fisheries was 'exacerbating the state's severe drought' because it cut back on water available to irrigate crops."

Feinstein promptly forwarded Resnick's complaint to two US Cabinet secretaries, adding in her own letter that the administration should spend \$750,000 "for a sweeping re-examination of the science behind the entire Delta environmental protection plan," California Watch reported. The result: "The Obama administration quickly agreed, authorizing another review of whether restrictions on pumping irrigation water were necessary to save the Delta's fish."

Ultimately, protections for the Delta survived that maneuver. Whether they'll survive these latest machinations remains to be seen.

From: Jeff Sutton

Sent: Thursday, November 20, 2014 6:03 PM

To: 'Watts, John (Feinstein)'

CC: mitchbutler@naturalresourceresults.com; 'Yeung, Felix (Feinstein)'; 'Peterson, James (Feinstein)'; 'Tom Birmingham'; 'Eastman, Kevin'

Subject: RE: Feinstein Statement on Drought Bill Negotiations

John,

Unfortunately the Senator's valiant efforts to improve the broken California water system, and her willingness to reach across the aisle to collaborate on a balanced, bipartisan approach that improves circumstances for both the economy and the environment, during the worst drought crisis in state history, has become the subject of unfair, baseless, unsubstantiated, and uninformed rhetoric. While it is regrettable that this effort has been currently sidelined until the next Congress, I am greatly appreciative of all of your hard work and commitment. We have made great progress, and certainly don't want to see this opportunity and momentum lost. I look forward to continuing this effort soon, we are committed to working with you to get across the finish line.

BTW, for when we pick up again: I wanted to let you know that I spoke with Ron Milligan of USBR, and as I thought, it turns out his concerns with Section 505 (voiced by John Bezdek on the call yesterday) were based on a previous draft. I believe we have addressed those concerns. Further, I spoke with Tom Birmingham, and we were both OK with adding language to address John's concerns related to the refuge water as well. I think that finalized all concerns with that provision.

Thanks again for all of your work, please don't hesitate to call if we can assist on this in any way, look forward to picking up where we left off.

Jeffrey P. Sutton

General Manager

Tehama Colusa Canal Authority

5513 Highway 162

P. O. Box 1025

Willows, CA 95988

(530) 934-2125 (w)

(530) 934-2355 (f)

(530) 301-1030 (c)

jsutton@tccanal.com

From: Watts, John (Feinstein) [mailto:John_Watts@feinstein.senate.gov]

Sent: Thursday, November 20, 2014 3:34 PM

To: 'Jennifer Buckman'

Cc: 'Stuart L. Somach'; 'Mitch Butler - Natural Resource Results'; towater@olaughlinparis.com; 'David Bernhardt'; Ronald D. Jacobsma; 'Steve Chedester'; jsutton@tccanal.com; Berliner, Thomas M.; Walthall, Brent; Tom Birmingham; Yeung, Felix (Feinstein); Weiland, Paul S.

Subject: Feinstein Statement on Drought Bill Negotiations

From: Feinstein Press

Sent: Thursday, November 20, 2014 6:19 PM

Subject: Feinstein Statement on Drought Bill Negotiations



For Immediate Release
November 20, 2014

Contact: Tom Mentzer
(202) 224-9629

Feinstein Statement on Drought Bill Negotiations

Washington—Senator Dianne Feinstein (D-Calif.) today released the following statement on progress toward a bipartisan bill to address California’s ongoing drought:

“Over the past several weeks I have been working closely with members of the California delegation who expressed interest in reaching a bipartisan agreement on legislation to address California’s drought crisis without violating the Endangered Species Act, the Clean Water Act or biological opinions.

“Although we have made progress, it has become clear that we will be unable to present an agreed-upon proposal before Congress adjourns this year.

“I deeply believe the people want both parties to work together, and that is the only way we will be able to enact water legislation. Claims that this has been some kind of secret process are false. In order to come up with a bill that is ready for public comment, back-and-forth negotiations and consultations are often necessary, including extensive technical assistance from federal and state agencies. That process is ongoing and we have no agreed-upon bill at this time.

“It is important to remember there is a real human face to this crisis. Some communities can no longer deliver water to homes. Thousands of residential wells have run dry. And many families lack very basic necessities like water for showers and cooking.

“California is in a state of prolonged drought, and we must come together to find ways to provide the water necessary for life and well-being. This isn’t about corporate agriculture, this is about California.

“It’s my hope that groups critical of this effort will strive to be productive rather than destructive. It’s clear that we need to get more water to our cities, businesses, farmers, households, fish and the Delta. And it’s equally important that we continue to protect wildlife and the environment. Only together will we stand a chance of agreeing on a bill that can help accomplish all of these goals.”

###

From: Cannon Michael

Sent: Friday, November 21, 2014 6:26 PM

To: Ara Azhderian; Aubrey J D Bettencourt; Chase Hurley; Chris Hurd; Chris White; Clare Foley; Dan Keppen; Dan Nelson; Daniel Errotabere; Dave Puglia; Dominic DiMare; Erik Hansen; Gayle Holman; Jennifer T. Buckman; Joel Nelsen; Louie A Brown; Maria Gutierrez; Mario Santoyo; Martin McIntyre; Mike Henry; Mike Wade; Roger A. Isom; Sarah Clark Woolf; Sean P. Geivet; Shawn Coburn; Steve Chedester; Susan Mussett; Tony Azevedo; William Bourdeau; Georgeanne White; James L. Nickel; Kent Stephens; Kimberly Brown; Loren Booth; Mark Watte; Melissa Poole; Paul Adams; Tom Barcellos

CC: Nancy E Williams; Dennis Nuxoll; David Longly Bernhardt; Tom Birmingham; John C. Harris; Jeff Bryant; Randy Houk

Subject: Fwd: Legislation

Attachments: Federal Contacts.xlsx

Hello all - happy Friday.

I wanted to pass along an email that I have sent to John Watts and some of Feinstein's staff. It was toned down a bit by someone whose input I respect, but I think it gets the message across. I am also working on a version to send to some of the House folks and Boxer's staff. I would urge each of you to do the same. From what I have heard email seems to be the best conduit as regular mail takes a long time to get through - I have also attached a sheet that has most of the contacts to send emails.

Please don't be silent on this - I don't think we need to blast anyone, but we definitely should be heard. It doesn't take much time.

james.peterson@feinstein.senate.gov

John_Watts@feinstein.senate.gov

Felix_Yeung@feinstein.senate.gov

----- Forwarded message -----

From: **Cannon Michael** <cannon@bfarm.com>

Date: Fri, Nov 21, 2014 at 5:15 PM

Subject: Legislation

To: "Watts, John" <

John_Watts@feinstein.senate.gov>

Cc: Felix Yeung <

[Felix Yeung@feinstein.senate.gov](mailto:Felix_Yeung@feinstein.senate.gov)>, "Peterson, James (Feinstein)" <james_peterson@feinstein.senate.gov>

John,

I am writing to express my profound disappointment with Senator Feinstein's decision to suspend her efforts on the California Drought Legislation. For many months I have been following the progress of the work on legislation and had hoped that everyone would find a way to come up with a final solution. My understanding has been that the California House members and staff have been actively engaged with you, Senator Feinstein, Senator Boxer and the respective staff.

Delaying the process for months is a critical blow for those that rely on water exports from the Delta. Without the needed operational changes that legislation could have provided, we will again see water from beneficial rains flow out to the ocean as we did during the first months of 2014. There are people using portable showers to clean themselves, trucks delivering water to homes, businesses shutting down - this is not just some farmers being affected, this is hundreds or thousands of people in the Central Valley. Along with the human crisis are the vast areas of "wetlands" that are not wet and valuable habitat that is being lost. The Pacific Flyway and migratory birds need water as well as the communities and farms.

Unfortunately, to end the legislative effort right after some negative responses from the environmental community and editorial boards gives the perception that they swayed the decision. The negotiations were tightly held specifically to avoid unnecessary feedback from groups that Senator Feinstein has admitted are not helpful. Clearly there are those who will oppose any measure that will improve water supply for those south of the Delta. Negative feedback had to be expected and it is a shame that there is now the appearance that this pressure changed the course.

Senator Feinstein has been a leader in California water issues for many years and we need that leadership more than ever. I sincerely hope that talks will resume as soon as possible and that a solution will be reached.

Sincerely,

Cannon Michael
Bowles Farming Company
[209-752-7792](tel:209-752-7792) (Direct)

Please consider the Environment before printing this email.

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=====

Senator	Feinstein	Shelly James	Abajian Peterson
Senator	Boxer	Tom Ameen	Bohigian Khan
Congressman	McCarthy	Chris	Duncan
Congressman	Denham	Jason	Larrabee
		Carol	Kresse
Congressman	Valadao	Tal	Eslick
		Eric	Mello
Congressman	Nunes	jennifer	Morrow
		Johnny	Amaral
Congressman	Costa	Ian	LeMay
Congressman	Paul Cooke	John	Sobel
Congressman	McClintock	Igor	Birman
Congressman	McKeon	Alan	Tennille
Congressman	Gary Miller	John	Rothrock
Congressman	Calvert	Dave	Ramey
Congressman	Dana Rohrabacher	Rick	Dykema
Congressman	Darrel Issa	Dale	Neugebauer
Congressman	Duncan Hunter	Vicki	Middleton
Congresman	Doug Lamalfa		
Congressman	Ed Royce		
Congressman	John Campbell		

Shelly_Abajian@feinstein.senate.gov
James_Peterson@feinstein.senate.gov
scheduling@feinstein.senate.gov
Tom_Bohigian@boxer.senate.gov
Ameen_Khan@boxer.senate.gov
chris.duncan@mail.house.gov
Jason.larrabee@mail.house.gov
Carol.kresse@mail.house.gov
Tal.Eslick@mail.house.gov
Eric.mello@mail.house.gov
jennifer.morrow@mail.house.gov
johnny.amaral@mail.house.gov
ian.lemay@mail.house.gov
costadistrictschedule@mail.house.gov
john.sobel@mail.house.gov
igor.birman@mail.house.gov
alan.tennille@mail.house.gov
john.rothrock@mail.house.gov
dave.ramey@mail.house.gov
rick.dykema@mail.house.gov
dale.neugebauer@mail.house.gov
vicki.meddleton@mail.house.gov

From: Sarah Woolf

Sent: Saturday, November 22, 2014 11:07 AM

To: Cannon Michael

CC: Ara Azhderian; Aubrey Bettencourt; Chase Hurley; Chris & Anne Hurd; Chris White; Clare Foley; Dan Keppen; Dan Nelson; Daniel Errotabere; Dave Puglia; Dominic DiMare; Erik Hansen; Gayle Holman; Jennifer T. Buckman; Joel Nelsen; Louie Brown, Jr.; Maria Gutierrez; Mario Santoyo; Martin R. McIntyre; Mike Henry; Mike Wade; Roger A. Isom; Sean P. Geivet; Shawn Coburn; Steve Chedester; Susan Mussett; Tony Azevedo; William Bourdeau; Georgeanne White; Jim Nickel; Kent Stephens; Kimberly Brown; Loren Booth; Mark Watte; Melissa Poole; Paul Adams; Tom Barcellos; Nancy E Williams; Dennis Nuxoll; David Longly Bernhardt; Tom & Wendy Birmingham; John C. Harris; Jeff Bryant; Randy Houk

Subject: Re: Legislation

Cannon,

thank you for writing this letter. I think it is well done. i will be writing one this weekend to Senator Feinstein and others. Thank you for taking the lead.

Sarah Woolf

Water Wise

██████████@██████████-██████████
559-██████████

On Nov 21, 2014, at 5:25 PM, Cannon Michael <cannon@bfarm.com> wrote:

Hello all - happy Friday.

I wanted to pass along an email that I have sent to John Watts and some of Feinstein's staff. It was toned down a bit by someone whose input I respect, but I think it gets the message across. I am also working on a version to send to some of the House folks and Boxer's staff. I would urge each of you to do the same. From what I have heard email seems to be the best conduit as regular mail takes a long time to get through - I have also attached a sheet that has most of the contacts to send emails.

Please don't be silent on this - I don't think we need to blast anyone, but we definitely should be heard. It doesn't take much time.

james_peterson@feinstein.senate.gov

John_Watts@feinstein.senate.gov

Felix_Yeung@feinstein.senate.gov

----- Forwarded message -----

From: **Cannon Michael** <cannon@bfarm.com>

Date: Fri, Nov 21, 2014 at 5:15 PM

Subject: Legislation

To: "Watts, John" <

John_Watts@feinstein.senate.gov>

Cc: Felix Yeung <

Felix_Yeung@feinstein.senate.gov>, "Peterson, James (Feinstein)"

<james_peterson@feinstein.senate.gov>

John,

I am writing to express my profound disappointment with Senator Feinstein's decision to suspend her efforts on the California Drought Legislation. For many months I have been following the progress of the work on legislation and had hoped that everyone would find a way to come up with a final solution. My understanding has been that the California House members and staff have been actively engaged with you, Senator Feinstein, Senator Boxer and the respective staff.

Delaying the process for months is a critical blow for those that rely on water exports from the Delta. Without the needed operational changes that legislation could have provided, we will again see water from beneficial rains flow out to the ocean as we did during the first months of 2014. There are people using portable showers to clean themselves, trucks delivering water to homes, businesses shutting down - this is not just some farmers being affected, this is hundreds or thousands of people in the Central Valley. Along with the human crisis are the vast areas of "wetlands" that are not wet and valuable habitat that is being lost. The Pacific Flyway and migratory birds need water as well as the communities and farms.

Unfortunately, to end the legislative effort right after some negative responses from the environmental community and editorial boards gives the perception that they swayed the decision. The negotiations were tightly held specifically to avoid unnecessary feedback from groups that Senator Feinstein has admitted are not helpful. Clearly there are those who will oppose any measure that will improve water supply for those south of the

Delta. Negative feedback had to be expected and it is a shame that there is now the appearance that this pressure changed the course.

Senator Feinstein has been a leader in California water issues for many years and we need that leadership more than ever. I sincerely hope that talks will resume as soon as possible and that a solution will be reached.

Sincerely,

Cannon Michael
Bowles Farming Company
[209-752-7792](tel:209-752-7792) (Direct)

Please consider the Environment before printing this email.

=====

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=====

<Federal Contacts.xlsx>

From: joe.findaro@akerman.com

Sent: Tuesday, November 25, 2014 1:08 PM

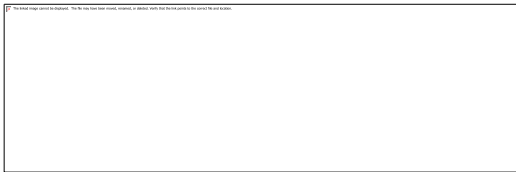
To: ckaren@sidley.com; cmanson@westlandswater.org; dbernhardt@bhfs.com; dcardoza@foley.com; drehberg@mercuryllc.com; [REDACTED]@ [REDACTED] emanning@ka-pow.com; gholman@westlandswater.org; jpeltier@westlandswater.org; [REDACTED]@ [REDACTED] TBirmingham@westlandswater.org

Subject: FW: Friant Water Authority press release on drought bill

Attachments: News Release ---- Drought Legislation (11-24-14) Final - 01.pdf

FYI – in case you did not see this.

[vCard](#) | [Bio](#)



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From: Joe Raeder [mailto:JRaeder@tfgnet.com]

Sent: Tuesday, November 25, 2014 9:56 AM

To: MacMillan, Anne; Dennis Nuxoll; 'Nancy Williams'; 'David L. Bernhardt'; Findaro, Joe (OC-DC); 'DCardoza@foley.com'

Subject: Friant Water Authority press release on drought bill

FYI attached

Joe Raeder

The Ferguson Group

1130 Connecticut Avenue, N.W., Suite 300

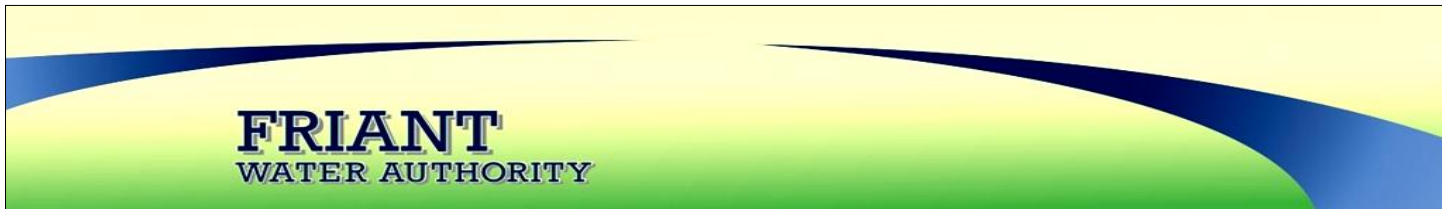
Washington, D.C. 20036

Phone: 202-331-8500 ext 1233

Cell: 202-255-5826

Fax: 202-331-1598

jraeder@tfgnet.com



November 24, 2014

F O R I M M E D I A T E R E L E A S E

For More Information, Please Contact:

RONALD D. JACOBSMA, GENERAL MANAGER

Office: (559) 562-6305 *or* **Mobile:** (559) 799-0700

Drought Legislative Effort's Abrupt End Is Another Blow To Small Communities, Family Farms

Last week's abrupt conclusion to months of bipartisan Congressional efforts to enact meaningful drought relief legislation this year is another big setback to struggling valley communities and individuals who this year have lost all or most of their water supplies.

The November 17 announcement by Senator Dianne Feinstein (D-CALIFORNIA) that Senate and House negotiators will be "unable to present an agreed-upon proposal before Congress adjourns this year" stirred disappointment and anger among many Valley civic, agricultural and business leaders who have been struggling with this year's zero water supply allocations. Decisions by federal and State water managers and regulators resulted in no water being delivered to the Friant Division of the Central Valley Project for the first time in history. As a consequence, hundreds of rural householders, businesses and farmers have run out of water as the only available supply – groundwater – has been depleted by desperate communities and farms.

"Nobody is happy that the wheels fell off this legislation, especially with all the many months of hard work put in by House Republican members as well as Senator Feinstein," said Ronald D. Jacobsma, Friant Water Authority General Manager. "It's very discouraging. It appears to us that the parties were very close to wrapping up a legislative package. Now all of a sudden, we're again left to wonder where valley water users stand going into 2015."

Should precipitation shortages continue without new and firmer Congressional direction on water supply use, environmental management and other leading California issues, Jacobsma said 2015 conditions could prove to be worse than were experienced this year.

“The House offered a very comprehensive approach,” said Jacobsma. “The Senate’s approach was narrower, and it was our understanding the parties were working to bridge that gap with legislation to better utilize scientific information, take advantage of rain events, and achieve a better balance between competing uses while respecting the Endangered Species Act.”

Jacobsma added, “We find it disconcerting that those in the environmental community have been so quick to criticize the bill without being aware of its provisions and parameters.” He said the Friant Water Authority hopes efforts to appropriately address legislative drought challenges will continue.

“Throughout this devastating dry year, the communities, businesses and farms of the San Joaquin Valley have been united in calling upon Congress to fulfill its responsibility to the people of our region and enact drought legislation now, this year. We haven’t given up hope that Congress will do its job,” Jacobsma said

“In the interim, federal and state water agencies are likely going to have to deal with how to come up with water for valley people, communities, businesses and farms – and not just the ecosystem.”

The Friant Water Authority is a public joint-powers agency representing 21 water agencies that deliver Central Valley Project water from the San Joaquin River to more than one million acres along the southern San Joaquin Valley’s East Side. The Authority operates and maintains the Friant-Kern Canal for the U.S. Bureau of Reclamation.

From: Jason Peltier

Sent: Wednesday, November 26, 2014 10:40 AM

To: 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'; T Birmingham (tbirmingham@westlandswater.org)

Subject: Drought legislation press conference coverage

Local leaders decry drought inaction

Details

Published on 11/25/2014 - 12:15 pm

Written by Hannah Esqueda



Javier Guzman, member of the Water for Land Committee, speaks out against the recent decision to delay drought-relief legislation until 2015.

The Fresno Area Hispanic Foundation held a press conference today denouncing the delay in drought legislation until 2015.

The group was joined by representatives from the Downtown Business Hub, Fresno County Farm Bureau, California Farm Water Coalition, California Water Alliance and several concerned community members.

"We're entering a very critical time for [Fresno County]," said Ryan Jacobsen, CEO of the Fresno County Farm Bureau. "If we don't get our act together and do something now we're going to be in the same situation as this year or a worse situation."

Many of the speakers denounced Senator Dianne Feinstein (D-Calif.) for her recent decision to delay any drought legislation until next year. The legislation would have helped ease restrictions on movement of water in the Central Valley and relieve some of the strain Fresno County and its farming communities are facing.

That strain has become too much and Fresno County families cannot afford to wait any longer, local leaders said. Already, long lines have been seen at local food banks, farmland lies fallow and whole communities are having to rely on portable showers as their wells run dry.

"This choice of inaction is flying directly in the face of those individuals and organizations who are here today," said Aubrey Bettencourt, executive director of the California Water Alliance.

This year, farmers on both the east and west side received a 0 percent water allocation and little is expected to change in 2015, Jacobsen said.

The three-year drought has already had a profound impact on the local economy and is expected to get worse as the area experiences an unprecedented fourth year of drought, said Javier Guzman, member of the Water for Land Committee.

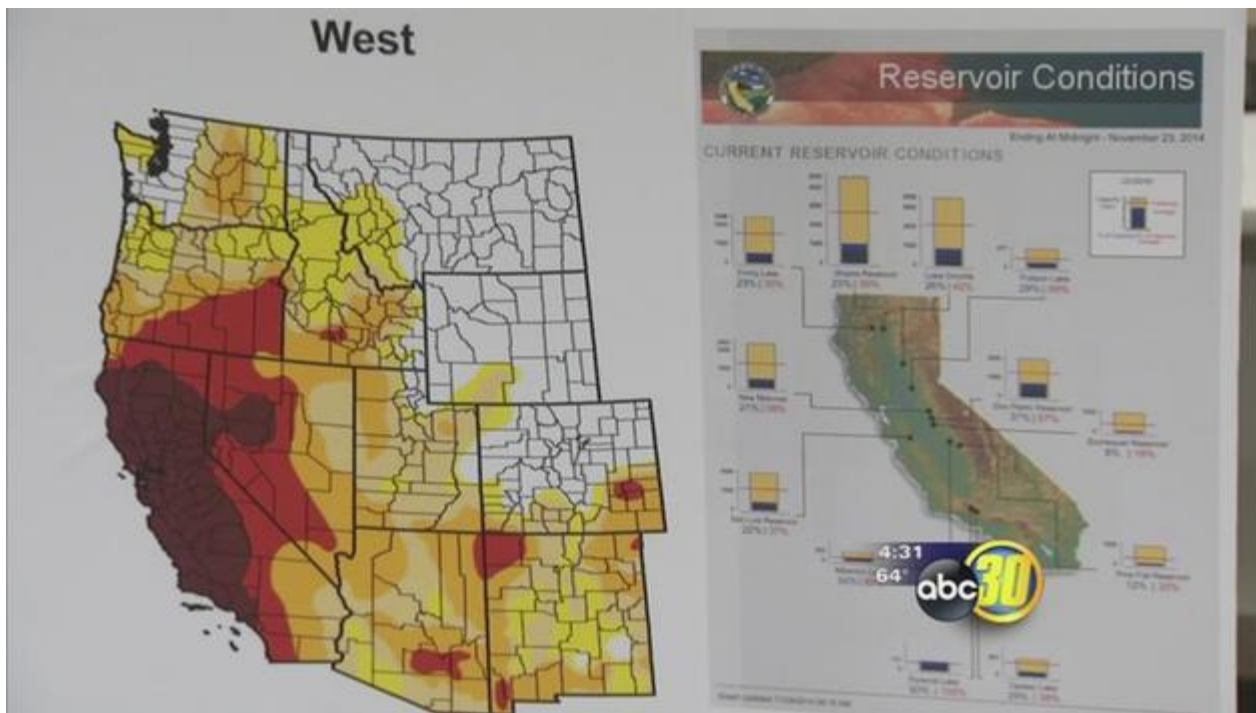
"The economic stability of our rural towns is being threatened," he said. "Children and families are being dislocated every day as people move in search of jobs."

What legislators like Feinstein fail to realize, Guzman said, is that even if the area receives better rainfall this year, it will still not be enough to cure the effects of the drought.

"The drought has already lasted for three years, but we'll be feeling its effects for the next 10 to 15," he said.

DROUGHT

Congress urged to revive drought relief for Valley



Valley growers are urging Congress not to give up on drought relief.
Embed



By [Gene Haagenon](#)

Tuesday, November 25, 2014 04:46PM

FRESNO, Calif. (KFSN) --

Valley growers are urging Congress not to give up on drought relief.

All signs may be pointing to another year of drought, and drought relief may be delayed in Congress, but Valley water interests are trying to keep the message alive.

Aubrey Bettencourt, director of the California Water Alliance, says the goal is to keep the drought on the front burner.

"It's important to keep the momentum up again and keep the voice up again," she said.

A news conference brought Bettencourt and other concerned parties together to remind everyone of the need for action.

Fresno County Farm Bureau Director Ryan Jacobson says another year like this will be devastating.

"If we don't have that water supply, and if we are not able to have some of those regulatory fixes in place, we are in a very detrimental state where there will be billions of dollars lost from this Ag economy," he said.

The legislation pulled by Senator Diane Feinstein included steps to divert more of what little runoff from snowmelt the Valley might get this spring to farms, by easing some environmental restrictions. Irrigators say several hundred thousand acre feet of water was lost last year, and they don't want the same thing to happen again.

In a recent interview, Rep. Jim Costa, D-Fresno, told Action News the effort is not dead.

"We must stay focused on this. I will continue to urge Senator Feinstein and Senator Boxer and others that we have a responsibility not just for the Valley but for the entire state," he said.

But with the clock ticking, Mike Wade of the California Farm Water Coalition says it may be too late for Congress to help capture more water for the next growing season.

"I don't think even if Senator Feinstein wanted to reintroduce the legislation today there's time to get that wrapped up and through, so we've lost another year," he said.

That may be a gloomy assessment but the only hope for relief is a wetter than expected winter, and a Congress that will at least pass some short-term emergency drought relief.

From: James Watson
Sent: Wednesday, November 26, 2014 12:49 PM
To: dbertolani@hgcpm.com
Subject: DCE Work Group Charter (Legislation)
Attachments: Legislation Work Group Charter 112114.docx

Importance: High

Attached is the draft Charter. If you have any questions, please call.

Jim Watson, PE
Westlands Water District
Cell: 559 [REDACTED]

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From: James Watson [mailto:jwatson@westlandswater.org]
Sent: Monday, November 24, 2014 12:43 PM
To: Brent Walthall
Subject: FW: Work Group Charter (Legislation)
Importance: High

Brent

Please review & "edit at will". I'd like to send it to Chuck's team by COB Tuesday.

Jim Watson, PE
Westlands Water District
Cell: 559.708.8720

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From: Dawn Bertolani [mailto:dbertolani@hgcpm.com]
Sent: Friday, November 21, 2014 4:57 PM
To: Bogdan, Kenneth M. (Kenneth.Bogdan@water.ca.gov); jfiedler@valleywater.org; Jim Watson (jwatson@westlandswater.org); Arakawa, Stephen N
Subject: Work Group Charter

Hello,

You are receiving this email because you have been assigned to lead a Work Group.

Attached is the Work Group Charter. Please fill in any areas highlighted in yellow and send back to me. If you would like assistance in getting your first Work Group Meeting scheduled, send me a list of meeting participants email addresses, duration/location of meeting, and the dates/times you are available. I will coordinate from there.

Please let me know if you have any questions on how to fill out the attached form.

Thank you,
Dawn

Dawn Bertolani
(916) 708-0639



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LEGISLATION WORK GROUP CHARTER

INFORMATION

Date: November 24, 2014

Chair: Jim Watson

PURPOSE

Define federal and state legislation needed to cost-effectively implement the BDCP in accordance with its current schedule (See Note 1).

DELIVERABLES

- | | |
|--|-------------------|
| 1. Prepare strawman federal legislation (See Note 2) | 2015 September 30 |
| 2. if needed, prepare strawman state legislation | 2015 September 30 |

ANTICIPATED WORK GROUP COMPLETION

In conjunction with completion of the BDCP planning phase (see Note 3); which is forecast to occur before 2015 November.

MEETING INFORMATION

Frequency: Monthly, Wednesday 3 to 3:30 PM (or more frequently if required)

Location: Conference call

PARTICIPANTS

- | | |
|------------------|-------------------|
| ▪ Jim Watson | ▪ Brenda Burman |
| ▪ Brent Walthall | ▪ David Bernhardt |

OTHER

NOTE 1: Assumes federal agencies responsible or contributing to implementation require additional authorities &/or clarification of their existing authorities.

NOTE 2: This effort is primarily dependent upon (a) the recirculated draft BDCP & its EIR/S, which will better define what if any new authorities would be needed by the federal agencies – both lead agencies for EIS (and ESA Sections 7) and cooperating agencies and (b) progress towards resolving the CVP-SWP cost allocation (i.e. cost follows the water).

NOTE 3: On October 20, the initial effort was put on hold with a planned re-start in 2015 March. However, informal work can re-start in 2015 January.

From: Bernhardt, David L.
Sent: Friday, November 28, 2014 3:00 PM
To: dperacchi@westlandswater.org
Subject: My contact info

Mobile phone [REDACTED]

David Bernhardt

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From: Jason Peltier

Sent: Saturday, November 29, 2014 10:34 AM

To: T Birmingham (tbirmingham@westlandswater.org); 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'

Subject: LATimes column on legislation

Sen. Dianne Feinstein's drought relief bill needs closer scrutiny



Michael Hiltzik

LOS ANGELES TIMES michael.hiltzik@latimes.com

No one is more adept at turning crises into opportunities than representatives of special interests in Washington. And there are few better opportunities-in-disguise than the California drought.

Addressing the drought is complicated, technical and politically charged. Billions of dollars in business investments are at stake, so millions are available to push legislators in one direction or another — especially if the key discussions are held behind closed doors.

That's why it's probably a good thing that Sen. Dianne Feinstein (D-Calif.) last week abandoned her effort to craft a drought relief bill in haste and through private conversations with Central Valley Republican members of Congress and lobbyists for well-heeled water users. Many of those parties live to overturn the federal Endangered Species Act and Clean Water Act, which they say deprive Central Valley growers of desperately needed water.

Feinstein's original goal was to reach agreement with the Republicans by Dec. 11, when Congress goes home for the holidays. Her plan now is to move a bill through the GOP-majority 2015 Senate under "regular order," meaning it will be subject to public committee hearings, presumably with testimony from commercial fishers and environmental advocates who complained they were shut out of the earlier talks.

It isn't entirely clear that shifting from closed-door negotiations in a politically split Congress to open discussions in a uniformly Republican Congress will be a positive step. Environmental advocates have their fingers crossed.

"We're not out of the woods," says Doug Obegi, a senior attorney for water issues at the Natural Resources Defense Council. "But regular order does mean that if anything emerges, it will be less bad."

The problem with trying to craft water solutions for California in Washington is that it can't be done without trampling court rulings and state laws and policies that apportion an increasingly scarce resource among increasingly demanding users.

Water experts viewed the precursors to Feinstein's efforts — a GOP bill passed by the House in February and a Senate bill sponsored by Feinstein later in the year — as piecemeal solutions designed to exploit the crisis, not resolve it. Neither measure could create new water supplies, because they don't exist.

"This is not a drought bill for the entire state," says Patricia Schifferle, a water policy expert at Pacific Advocates. "This is about creating winners and losers in a time of shortages."

Any congressional interference in California water regulations could upset a delicate balance between federal authority and long-established state prerogatives to set their own water policies, placing Congress on "risky constitutional ground," says Antonio Rossmann, an expert on water law at UC Berkeley's law school.

Feinstein is well aware of the pitfalls. "Water is one of the most difficult and convoluted subjects that I've ever encountered," she told me last week. "It's driven by water rights law, it's driven by history, it's driven by environmental concerns, it's driven by politics."

Her efforts to quickly complete a bill were aimed at heading off a draconian Republican measure that would have destroyed environmental protections, but couldn't have passed both chambers on Capitol Hill. "Waiving the Endangered Species Act and the Clean Water Act and denying advanced science ... isn't going to get us anywhere in the Senate," she said.

Yet the conviction was widely shared that Feinstein's negotiations would have benefited a cadre of wealthy growers by allowing federal officials to limit releases of water into the Sacramento Delta designed to promote environmental and clean water goals and preserve the salmon industry, shifting the water to the growers instead.

Democratic members of Congress from Northern California asserted that the proposed measure "[would have eviscerated](#) environmental laws protecting fisheries, California watersheds, local water supplies, and tribal and local economies in order to benefit a few powerful Delta water exporters."

Although full details were never released, [a coalition of 34 Indian tribes and environmental organizations](#) wrote Feinstein on Nov. 18 that drafts they had seen showed it would benefit

mostly "desert agriculture in the southwestern San Joaquin Valley — not California as a whole."

They're right in pointing the finger at those agricultural users. Almond and pistachio farming in the valley—including growers affiliated with the giant Westlands Water District and nearby Paramount Farms, owned by Beverly Hills billionaires Stewart and Lynda Resnick—is a major factor in unbalanced water allocations statewide. These users hold low-priority water rights, but their crops can't survive a break in supply. They spend lavishly to preserve their water; Westlands' lobbying expenses in Washington have run to roughly \$600,000 this year and last.

As my colleague [Bettina Boxall reported last month](#), the parched southwestern valley, dependent on imported water, may be the worst place in California to practice this kind of agriculture. But instead of wise agricultural practices, Westlands has substituted legal actions and lobbying for environmental rollbacks.

The Resnicks have [leaned on Feinstein](#) to carry their concerns to government environmental officials. In 2009, [Stewart Resnick wrote her](#) to accuse the Interior and Commerce departments of using "sloppy science" to impose environmental restrictions on water allocations to growers and other users, and to demand an "independent science review." Possibly aware that the Resnicks had made \$500,000 in political donations over the previous four years, mostly to Democrats, Feinstein passed Resnick's letter on to the agencies' secretaries and [endorsed his request](#). (The National Academy of Sciences later determined, alas, that the restrictions were "scientifically justified.")

That's one reason environmental interests were uneasy about any closed-door discussions Feinstein might hold over the very same water allocations. She bristles at the implication: "All sorts of ulterior motives were being assumed," she said, "and it's simply not true."

Instead, Feinstein said she was simply trying to afford water agencies more "flexibility" to shift allocations between environmental requirements and the needs of users in the most drought-stricken parts of the state. "We are on our way to being a desert state," she said, "and we have to find ways of using water more efficiently." That's true, but only by engaging all stakeholders in an open discussion.

Feinstein also pledged that she "won't be a party" to a bill that overturns the Endangered Species Act or the Clean Water Act, or that disregards the biological science underlying environmental allocations. But both those admirable goals were compromised by her attempt to negotiate a deal and present it as a legislative *fait accompli*. There's no guarantee that a bill that emerges from a Republican Congress even after public hearings will be, as Obegi put it, "less bad." But at least the mechanisms that produce it will be open for all to see.

Michael Hiltzik's column appears Sundays and Wednesdays. Read his blog, the Economy Hub, at latimes.com/business/hiltzik, reach him at mhiltzik@latimes.com, check out facebook.com/hiltzik and follow [@hiltzikm](https://twitter.com/hiltzikm) on Twitter.

From: Jason Peltier

Sent: Tuesday, December 2, 2014 5:31 PM

To: T Birmingham (tbirmingham@westlandswater.org); 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'

Subject: FW: Rep. Valadao, California Republicans Introduce Bipartisan Emergency Water Legislation

From: Anna R. Vetter [<mailto:anna.vetter@mail.house.gov>]

Sent: Tuesday, December 02, 2014 4:16 PM

To: jmpeltier@ngwi.org

Subject: Rep. Valadao, California Republicans Introduce Bipartisan Emergency Water Legislation

[Subscribe](#) | [Forward](#)

FOR IMMEDIATE RELEASE

Tuesday, December 2, 2014

Contact: [Anna R. Vetter](#)

202.815.1685

Rep. Valadao, California Republicans Introduce Bipartisan Emergency Water Legislation

Washington - On Tuesday, December 2, 2014, Congressman David G. Valadao (CA-21), with the support of California House Republicans, introduced water legislation in the U.S. House of Representatives aimed at providing short- term relief from California's water crisis.

Since May, House Republicans have been working to find a bipartisan compromise between House and Senate legislation aimed at providing drought relief. For months, negotiations between the two Chambers have

been ongoing. Unfortunately, last month, Senator Feinstein withdrew from negotiations.

In an effort to provide immediate, short-term relief regardless, Congressman Valadao introduced H.R. 5781, the *California Emergency Drought Relief Act of 2014*.

The bill provides eighteen month of relief (two water years) while protecting the State Water Project and protecting Northern California water rights.

Original cosponsors of the legislation include Reps. David G. Valadao (CA-21), Kevin McCarthy (CA-23), Ken Calvert (CA-42), Jim Costa (CA-16), Doug LaMalfa (CA-01), Tom McClintock (CA-04), and Devin Nunes (CA-22).

Rep. Valadao stated, "This well thought out, common sense legislation contains no controversial measures for either Party. Not only will this legislation provide a temporary eighteen month solution, it will also help ensure negotiations between the Senate and the House continue." He went on, "I will not let this year end without exhausting every possible option to bring relief to the Central Valley."

Rep. McCarthy said, "California is currently facing the worst drought in a century, which has led to barren farms and drastic water shortages in our communities. Families, businesses, and farmers are in desperate need for water and this bill represents the House's unwavering commitment to provide immediate relief, especially during the first few storms of the water year. This bill contains provisions from the original Senate-passed water bill and from the House's negotiations with the Senate. For the sake of the people of California, we can no longer delay action to alleviate the pain from harmful government policies that put the well-being of fish above people. While this represents an important first step, the House will continue to work towards a long-term solution to California's man-made water crisis."

"Cities, towns, rural homes, schools and churches are running dry. House Leadership understands that action needs to be taken before Congress adjourns. We are offering a compromise based on the Senate water bill in a further demonstration that a bipartisan majority in the House is both willing and able to act," said Rep. Devin Nunes.

Rep. Calvert said, "California is facing a crisis that demands action. This short-term bill, comprised of negotiated text, will provide just a piece of the legislative fix that our state so desperately needs. I appreciate the effort Senator Feinstein put forth in negotiating and look forward to working towards a permanent sensible solution."

"H.R. 5781 will provide immediate relief to California communities suffering from one of the worst droughts in recorded history. This proposal is a good faith effort to exhaust every conceivable option available before Congress adjourns for the year,"

stated Rep. McClintock.

"This limited bill includes noncontroversial language to address California's drought immediately and it is imperative that we act this year. The provisions are a starting point to build toward a comprehensive solution to address California's water supply issues, and we remain ready to continue working with the Senate on a long term agreement," said Rep. LaMalfa.

Rep. Costa said, "This bipartisan legislation offers a common-sense solution to a long-term problem. The Valley has suffered far too long because of our broken water system," said Rep. Jim Costa (CA-16). "This bill will allow us to take advantage of increased flows through the delta and provide much-needed water to our Valley's families and farms. California's water needs must be addressed, and this legislation provides us with one more tool to bring relief to the San Joaquin Valley."

Congressman David G. Valadao represents the 21st Congressional District, which includes Kings County and portions of Fresno, Tulare, and Kern Counties.

###

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From: Bernhardt, David L.

Sent: Wednesday, December 3, 2014 6:15 AM

To: Jason Peltier (jpeltier@westlandswater.org); joe.findaro@akerman.com; Thomas W. Birmingham (tbirmingham@westlandswater.org); Dennis Cardoza (dcardoza@foley.com); 'Denny Rehberg' (DRehberg@mercuryllc.com)

Subject: FW: From E&E Daily -- WATER POLICY: GOP lawmakers put forward last-ditch bill to address Calif. drought

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ENVIRONMENT & ENERGY DAILY



AN E&E PUBLISHING SERVICE

WATER POLICY: **GOP lawmakers put forward last-ditch bill to address Calif. drought**

Anne C. Mulkern and Annie Snider, E&E reporters

Published: Wednesday, December 3, 2014

A group of House Republicans last night introduced what they deemed a compromise measure in a last-chance bid to pass California drought relief legislation in time to take advantage of the season's first major rains, which had just begun falling in the parched state.

Rep. David Valadao (R-Calif.) introduced **H.R. 5781**, which his office said was "aimed at providing short-term relief from California's water crisis." The bill, which comes a week and a half after House-Senate negotiations were called off, is backed by other California Republicans, including House Majority Leader Kevin McCarthy and Reps. Ken Calvert, Doug LaMalfa, Tom McClintock and Devin Nunes. Central Valley Democrat Jim Costa also co-sponsored the measure.

"This well-thought-out, common-sense legislation contains no controversial measures for either party," Valadao said. "Not only will this legislation provide a temporary 18-month solution, it will also help ensure negotiations between the Senate and the House continue."

Sen. Dianne Feinstein (D-Calif.), who had been leading negotiations for the Senate, called them off just before Thanksgiving recess after facing widespread criticism for the closed-door process that left House Democrats and environmental groups in the dark. When she ended the talks, she vowed to take the effort back up next year in a transparent manner (**E&E Daily**, Nov. 21).

"In order to come up with a bill that is ready for public comment, back-and-forth negotiations and consultations are often necessary, including extensive technical assistance from federal and state agencies. That process is ongoing," Feinstein said at the time.

The senator's office had just seen the new bill last night and therefore was not able to comment on it, a spokesman said.

The new House bill appears aimed at passage before the end of the year, although the route to such a goal is unclear with just a week and a half left on the calendar and no clear backer in the Senate. House Republicans could be angling to have the measure attached to the defense authorization bill unveiled last night or the appropriations measure to keep the federal government open, both of which are considered must-pass bills. A spokesman for Valadao did not immediately respond to a question about strategy.

Representatives from two environmental groups said they expected the bill would be highly controversial. The measure allows increased water pumping from the Sacramento-San Joaquin River Delta, primarily to deliver to agricultural users in the Central Valley. It likely would go to users that include Westlands Water District, they said, which supplies irrigation water to about 600,000 acres of farmland in the San Joaquin Valley and the Metropolitan Water District, a major wholesaler in Los Angeles.

"It's pretty dramatic," said Doug Obegi, senior attorney with the water program at Natural Resources Defense Council (NRDC). The bill would allow "as much as a 50 percent increase in pumping at certain points in the year."

That shift could imperil salmon and smelt -- which get sucked into the pumps -- and potentially threaten other wildlife, Obegi said. But it's more complicated than water for fish versus people, he said.

"All of the thousands of fishing jobs in California and Oregon depend on having healthy salmon," Obegi said. "When you protect healthy salmon, you protect those jobs." Limits on pumping also protect water quality, he said, which helps delta-area farmers who grow crops nearby.

Kim Delfino, California program director for Defenders of Wildlife in Sacramento, said that the measure appears to have provisions that would allow the expedited fallowing of agricultural lands to the north of the Central Valley where rice is grown. That would allow transfers of water to the south, where almonds and pistachios are farmed by Westlands' contractors, she said.

The bill appears to streamline environmental review, which could mean environmental impacts wouldn't be addressed, Delfino said. That could hurt migratory birds that rely on water in rice lands. The bill also seeks to move water from wildlife refuges into groundwater, she said, which could also threaten birds.

Like Obegi, Delfino said the issues at play can't be boiled down to simple environment-versus-people terms.

"The water system is so interconnected," Delfino said. "The point of this legislation is to favor one part of the valley over another," with Central Valley agricultural contractors gaining over others, she said.

"It really isn't birds and fish versus ag," Delfino added. Instead, it's some agricultural users versus others and "ag versus urban" users. She added: "If birds can't survive, what does that say about viability of our water system?"

Valadao's spokeswoman did not immediately respond to questions about the charges from environmental group representatives. The statement from his office said that the bill aims to address "the State Water Project and protecting Northern California water rights."

Obegi, however, said the language appeared to try to get around the Golden State's water rights hierarchy. It prioritizes those who were first in line with privileges preceding 1914, when the current allocation structure was created. Westlands, he said, is a more junior rights holder.

"This is trying to jump the line so they get priority over other water users," Obegi said of Westlands.

Thomas Birmingham, general manger for Westlands, said that according to his reading of the bill, senior water rights holders would be protected. He also rejected that the measure would allow increased pumping from the delta.

"The purpose of this bill is to provide congressional direction concerning the implementation of the existing biological opinions" related to fish under the Endangered Species Act, he said, "to enable the Central Valley Project and the State Water Project to minimize water supply impacts caused by the biological opinions." He added that "there is nothing in the bill that overrides the biological opinions, and the bill does nothing to deprive the federal agencies of authority to undertake actions required, in the agencies' judgment, 'to avoid a negative impact on the long-term survival of the listed species.'"

Birmingham also said that if the legislation passed and increased water supplies, "it would benefit numerous agencies in addition to Westlands."

"Westlands is one of 29 south-of-Delta water service contractors that receive water from the Central Valley Project," he said. "In addition, all agencies that receive water from the State Water Project would benefit from the implementation of the legislation. These contractors include both agriculture and municipal agencies, including Santa Clara Valley Water District, which supplies water to Silicon Valley, and Metropolitan Water District of Southern California, which supplies water to metropolitan areas of Southern California."

Other lawmakers said changes are needed to get water to people.

"California is currently facing the worst drought in a century, which has led to barren farms and drastic water shortages in our communities," McCarthy said in a statement. "Families, businesses,

and farmers are in desperate need for water and this bill represents the House's unwavering commitment to provide immediate relief, especially during the first few storms of the water year."

"This bill contains provisions from the original Senate-passed water bill and from the House's negotiations with the Senate," he added. "For the sake of the people of California, we can no longer delay action to alleviate the pain from harmful government policies that put the well-being of fish above people."

Reporter Nick Juliano contributed.

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From: Bernhardt, David L.

Sent: Wednesday, December 3, 2014 11:53 AM

To: 'DCardoza@foley.com'; joe.findaro@akerman.com

CC: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com

Subject: RE: Conference call Thursday ?

I cannot participate between 11-12.

-----Original Message-----

From: DCardoza@foley.com [<mailto:DCardoza@foley.com>]

Sent: Wednesday, December 03, 2014 1:48 PM

To: joe.findaro@akerman.com

Cc: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com; Bernhardt, David L.

Subject: Re: Conference call Thursday ?

Ok I will move some things and make that work.

Dennis

Congressman Dennis A. Cardoza

Foley & Lardner LLP

Suite 600

3000 K Street, NW<x-apple-data-detectors://0/0>

Washington, DC 20007-5109<x-apple-data-detectors://0/0>

Phone: 202.295-4015

Fax: 202.672.5399<tel:202.672.5399>

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<joe.findaro@akerman.com<<mailto:joe.findaro@akerman.com>>> wrote:

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From: joe.findaro@akerman.com
Sent: Wednesday, December 3, 2014 12:04 PM
To: DBernhardt@BHFS.com; DCardoza@foley.com
CC: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com
Subject: RE: Conference call Thursday ?

we can try noon tomorrow with Don?

-----Original Message-----

From: Bernhardt, David L. [<mailto:DBernhardt@BHFS.com>]
Sent: Wednesday, December 03, 2014 1:53 PM
To: 'DCardoza@foley.com'; Findaro, Joe (OC-DC)
Cc: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com
Subject: RE: Conference call Thursday ?

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To: joe.findaro@akerman.com
Cc: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com; Bernhardt, David L.
Subject: Re: Conference call Thursday ?

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Dennis

Congressman Dennis A. Cardoza
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1130 am Dc time

830 am Calif time

Westlands line.

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From: DCardoza@foley.com
Sent: Wednesday, December 3, 2014 12:06 PM
To: 'joe.findaro@akerman.com'; DBernhardt@BHFS.com
CC: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com
Subject: RE: Conference call Thursday ?

I can do 3pm today and noon to 12:30 Thursday

Congressman Dennis A. Cardoza
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3000 K Street, NW
Washington, DC 20007-5109
Phone: 202.295-4015
Cell: [REDACTED]
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From: joe.findaro@akerman.com [<mailto:joe.findaro@akerman.com>]
Sent: Wednesday, December 03, 2014 2:04 PM
To: DBernhardt@BHFS.com; Cardoza, Dennis A.
Cc: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com
Subject: RE: Conference call Thursday ?

we can try noon tomorrow with Don?

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From: Bernhardt, David L. [<mailto:DBernhardt@BHFS.com>]
Sent: Wednesday, December 03, 2014 1:53 PM
To: 'DCardoza@foley.com'; Findaro, Joe (OC-DC)
Cc: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com
Subject: RE: Conference call Thursday ?

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Sent: Wednesday, December 03, 2014 1:48 PM
To: joe.findaro@akerman.com

Cc: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com; Bernhardt, David L.
Subject: Re: Conference call Thursday ?

Ok I will move some things and make that work.

Dennis

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From: Denny Rehberg
Sent: Wednesday, December 3, 2014 12:06 PM
To: joe.findaro@akerman.com
CC: DBernhardt@BHFS.com; DCardoza@foley.com; TBirmingham@westlandswater.org;
dperacchi@westlandswater.org
Subject: Re: Conference call Thursday ?

Yes

> On Dec 3, 2014, at 2:04 PM, "joe.findaro@akerman.com" <joe.findaro@akerman.com> wrote:
>
> we can try noon tomorrow with Don?
>
>
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>

.....
Mercury.
Denny Rehberg


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> From: Bernhardt, David L. [<mailto:DBernhardt@BHFS.com>]
> Sent: Wednesday, December 03, 2014 1:53 PM
> To: 'DCardoza@foley.com'; Findaro, Joe (OC-DC)
> Cc: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com
> Subject: RE: Conference call Thursday ?
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> I cannot participate between 11-12.
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> -----Original Message-----

> From: DCardoza@foley.com [<mailto:DCardoza@foley.com>]
> Sent: Wednesday, December 03, 2014 1:48 PM
> To: joe.findaro@akerman.com
> Cc: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com; Bernhardt, David L.
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>

> Ok I will move some things and make that work.
>

> Dennis
>
>
>

> Congressman Dennis A. Cardoza

> Foley & Lardner LLP

> Suite 600

> 3000 K Street, NW<x-apple-data-detectors://0/0> Washington, DC 20007-5109<x-apple-data-detectors://0/0>

> Phone: 202.295-4015

> Fax: 202.672.5399<tel:202.672.5399>

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>

From: Bernhardt, David L.

Sent: Wednesday, December 3, 2014 12:08 PM

To: 'Denny Rehberg'; joe.findaro@akerman.com

CC: DCardoza@foley.com; TBirmingham@westlandswater.org; dperacchi@westlandswater.org

Subject: RE: Conference call Thursday ?

Noon will work for me.

-----Original Message-----

From: Denny Rehberg [<mailto:DRehberg@mercuryllc.com>]

Sent: Wednesday, December 03, 2014 2:06 PM

To: joe.findaro@akerman.com

Cc: Bernhardt, David L.; DCardoza@foley.com; TBirmingham@westlandswater.org; dperacchi@westlandswater.org

Subject: Re: Conference call Thursday ?

Yes

> On Dec 3, 2014, at 2:04 PM, "joe.findaro@akerman.com" <joe.findaro@akerman.com> wrote:

>

> we can try noon tomorrow with Don?

>

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Mercury.

Denny Rehberg

██████████

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> From: Bernhardt, David L. [<mailto:DBernhardt@BHFS.com>]

> Sent: Wednesday, December 03, 2014 1:53 PM

> To: 'DCardoza@foley.com'; Findaro, Joe (OC-DC)

> Cc: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com

> Subject: RE: Conference call Thursday ?

>

> I cannot participate between 11-12.

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> -----Original Message-----

> From: DCardoza@foley.com [<mailto:DCardoza@foley.com>]

> Sent: Wednesday, December 03, 2014 1:48 PM

> To: joe.findaro@akerman.com

> Cc: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com; Bernhardt, David L.

> Subject: Re: Conference call Thursday ?

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> Dennis

>

>

>

> Congressman Dennis A. Cardoza

> Foley & Lardner LLP

> Suite 600
> 3000 K Street, NW<x-apple-data-detectors://0/0> Washington, DC 20007-5109<x-apple-data-detectors://0/0>
> Phone: 202.295-4015
> Fax: 202.672.5399<tel:202.672.5399>
> Email: dcardoza@foley.com<<mailto:dcardoza@foley.com>>
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From: joe.findaro@akerman.com
Sent: Wednesday, December 3, 2014 12:09 PM
To: DBernhardt@BHFS.com; DRehberg@mercuryllc.com
CC: DCardoza@foley.com; TBirmingham@westlandswater.org; dperacchi@westlandswater.org
Subject: RE: Conference call Thursday NOON

OK shoot for NOON

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Sent: Wednesday, December 03, 2014 2:08 PM
To: 'Denny Rehberg'; Findaro, Joe (OC-DC)
Cc: DCardoza@foley.com; TBirmingham@westlandswater.org; dperacchi@westlandswater.org
Subject: RE: Conference call Thursday ?

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Sent: Wednesday, December 03, 2014 2:06 PM
To: joe.findaro@akerman.com
Cc: Bernhardt, David L.; DCardoza@foley.com; TBirmingham@westlandswater.org; dperacchi@westlandswater.org
Subject: Re: Conference call Thursday ?

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Mercury.
Denny Rehberg


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> To: joe.findaro@akerman.com
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> Dennis
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> Congressman Dennis A. Cardoza
> Foley & Lardner LLP
> Suite 600
> 3000 K Street, NW<x-apple-data-detectors://0/0> Washington, DC 20007-5109<x-apple-data-detectors://0/0>
> Phone: 202.295-4015
> Fax: 202.672.5399<tel:202.672.5399>
> Email: dcardoza@foley.com<<mailto:dcardoza@foley.com>>
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>

From: Tom Birmingham

Sent: Wednesday, December 3, 2014 2:17 PM

To: joe.findaro@akerman.com; DBernhardt@BHFS.com; DRehberg@mercuryllc.com; DCardoza@foley.com

CC: 'Don Peracchi'

Subject: RE: Conference call Thursday NOON

Gentlemen,

I am not available tomorrow morning, and I believe the conference call we had this afternoon obviates the need for an additional call tomorrow. I will call Don and update him on our discussion.

Thank you,
Tom

-----Original Message-----

From: joe.findaro@akerman.com [<mailto:joe.findaro@akerman.com>]

Sent: Wednesday, December 03, 2014 11:09 AM

To: DBernhardt@BHFS.com; DRehberg@mercuryllc.com

Cc: DCardoza@foley.com; TBirmingham@westlandswater.org; dperacchi@westlandswater.org

Subject: RE: Conference call Thursday NOON

OK shoot for NOON

-----Original Message-----

From: Bernhardt, David L. [<mailto:DBernhardt@BHFS.com>]

Sent: Wednesday, December 03, 2014 2:08 PM

To: 'Denny Rehberg'; Findaro, Joe (OC-DC)

Cc: DCardoza@foley.com; TBirmingham@westlandswater.org; dperacchi@westlandswater.org

Subject: RE: Conference call Thursday ?

Noon will work for me.

-----Original Message-----

From: Denny Rehberg [<mailto:DRehberg@mercuryllc.com>]

Sent: Wednesday, December 03, 2014 2:06 PM

To: joe.findaro@akerman.com

Cc: Bernhardt, David L.; DCardoza@foley.com; TBirmingham@westlandswater.org; dperacchi@westlandswater.org

Subject: Re: Conference call Thursday ?

Yes

> On Dec 3, 2014, at 2:04 PM, "joe.findaro@akerman.com" <joe.findaro@akerman.com> wrote:

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>

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Mercury.

Denny Rehberg

██████████

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> From: Bernhardt, David L. [<mailto:DBernhardt@BHFS.com>]
> Sent: Wednesday, December 03, 2014 1:53 PM
> To: 'DCardoza@foley.com'; Findaro, Joe (OC-DC)
> Cc: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com
> Subject: RE: Conference call Thursday ?

> I cannot participate between 11-12.

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> From: DCardoza@foley.com [<mailto:DCardoza@foley.com>]
> Sent: Wednesday, December 03, 2014 1:48 PM
> To: joe.findaro@akerman.com
> Cc: TBirmingham@westlandswater.org; dperacchi@westlandswater.org; drehberg@mercuryllc.com; Bernhardt, David L.
> Subject: Re: Conference call Thursday ?

> Ok I will move some things and make that work.

> Dennis

> Congressman Dennis A. Cardoza

> Foley & Lardner LLP

> Suite 600

> 3000 K Street, NW<x-apple-data-detectors://0/0> Washington, DC 20007-5109<x-apple-data-detectors://0/0>

> Phone: 202.295-4015

> Fax: 202.672.5399<tel:202.672.5399>

> Email: dcardoza@foley.com<<mailto:dcardoza@foley.com>>

> Sent from my iPhone

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> On Dec 3, 2014, at 1:43 PM, "joe.findaro@akerman.com<<mailto:joe.findaro@akerman.com>>"

<joe.findaro@akerman.com<<mailto:joe.findaro@akerman.com>>> wrote:

> 1130 am Dc time

> 830 am Calif time

> Westlands line.

> Ok?

> www.akerman.com<<http://www.akerman.com>>

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>

From: joe.findaro@akerman.com
Sent: Wednesday, December 3, 2014 2:27 PM
To: tbirmingham@westlandswater.org
Subject: Re: Conference call Thursday NOON

Got it

On Dec 3, 2014, at 4:16 PM, "Tom Birmingham" <tbirmingham@westlandswater.org> wrote:

Gentlemen,

I am not available tomorrow morning, and I believe the conference call we had this afternoon obviates the need for an additional call tomorrow. I will call Don and update him on our discussion.

Thank you,
Tom

-----Original Message-----

From: joe.findaro@akerman.com [<mailto:joe.findaro@akerman.com>]
Sent: Wednesday, December 03, 2014 11:09 AM
To: DBernhardt@BHFS.com; DRehberg@mercuryllc.com
Cc: DCardoza@foley.com; TBirmingham@westlandswater.org; dperacchi@westlandswater.org
Subject: RE: Conference call Thursday NOON

OK shoot for NOON

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Sent: Wednesday, December 03, 2014 2:08 PM
To: 'Denny Rehberg'; Findaro, Joe (OC-DC)
Cc: DCardoza@foley.com; TBirmingham@westlandswater.org; dperacchi@westlandswater.org
Subject: RE: Conference call Thursday ?


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Sent: Wednesday, December 03, 2014 2:06 PM
To: joe.findaro@akerman.com
Cc: Bernhardt, David L.; DCardoza@foley.com; TBirmingham@westlandswater.org; dperacchi@westlandswater.org
Subject: Re: Conference call Thursday ?

Yes

> On Dec 3, 2014, at 2:04 PM, "joe.findaro@akerman.com" <joe.findaro@akerman.com> wrote:
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> we can try noon tomorrow with Don?

.....
Mercury.
Denny Rehberg


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> 3000 K Street, NW<x-apple-data-detectors://0/0> Washington, DC 20007-5109<x-apple-data-detectors://0/0>

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From: Bernhardt, David L.

Sent: Thursday, December 4, 2014 5:33 AM

To: 'Denny Rehberg'; Dennis Cardoza; Thomas W. (Tom) Birmingham Esq.; Jason Peltier; Joseph T. Findaro

Subject: Fwd: From E&E Daily -- WATER POLICY: House to vote on Calif. drought relief bill next week

FYI

This E&E Daily story was sent to you by: Dbernhardt@bhfs.com

ENVIRONMENT & ENERGY DAILY



AN E&E PUBLISHING SERVICE

WATER POLICY:

House to vote on Calif. drought relief bill next week

Annie Snider, E&E reporter

Published: Thursday, December 4, 2014

California Republicans are going to have the chance to show their constituents that sending more water to the state's parched farmers and residents remains a priority for them, even after bicameral negotiations fell through last month.

House Majority Leader Kevin McCarthy (R-Calif.) announced yesterday that [H.R. 5781](#), introduced late Tuesday by Central Valley Republican David Valadao, has been scheduled for a floor vote next week ([E&E Daily](#), Dec. 3).

"The first storms of the season are currently over California, with hopefully more to come in the subsequent months," McCarthy said in a statement yesterday announcing that floor time had been secured. "Absent action now, California will continue to lose water from storms in this water year and will face another year of devastating water-crisis."

Valadao pitched the measure as short-term relief for his hard-hit constituents during a House Rules Committee hearing yesterday.

"I literally have people in my district building shacks out of plastic and plywood and living on the streets because they're out of work," he said. "We're asking for just a little window to help these people get by so they can feed their families."

But the bill has drawn fierce opposition from Northern California Democrats and environmental groups, both for the negative impacts it would have on salmon and fishing jobs and for the secretive process by which it was developed.

"With just a few days left in the legislative session, the House plans to pass yet another divisive, dishonest, and potentially devastating California water bill without any public input or legislative oversight," Northern California's seven Democrats said in a statement. "This is unconscionable and

just the latest chapter in their reckless approach to micromanaging the state's water during one of the worst droughts in our history."

Rep. Jared Huffman, a former Natural Resources Defense Council (NRDC) water attorney who represents a long swath of the Northern California coast, told the Rules Committee last night that even though the bill would sunset after 18 months, that would be enough time to bring serious consequences to species.

"There are salmon populations in California that are hanging by a vital thread, holding off against extinction, so it may seem like a window of that type prevents any major harm, but for the survival of those species and for the communities and jobs and industries that depend on them, that's a big deal," he said.

What are the odds?

Passage of the measure in the Republican-controlled House is all but assured. The lower chamber already approved a broader measure in February.

But whether the legislation has a shot at becoming more than simply a symbolic vote is an open question.

Sen. Dianne Feinstein (D-Calif.), who authored the emergency drought measure passed by the upper chamber in May and who had been leading negotiations with the House, has not yet commented on the new House measure.

But her colleague, California Democrat Barbara Boxer, came out in opposition to the bill yesterday. Without both of the Golden State's senators on board, the measure faces a very steep climb in the upper chamber.

"I have carefully studied the Republican water bill and I am dismayed that this measure could reignite the water wars by overriding critical state and federal protections for California," she said in a statement yesterday. "We have communities across the state that are hurting from this drought, so we need a balanced approach that doesn't pit one stakeholder against another, and meets the needs of all of California's water users."

House Republicans are also eyeing the omnibus spending package currently being negotiated by appropriators as a possible vehicle for their bill.

"We're looking at any vehicle we possibly can," said Rep. Devin Nunes (R-Calif.), a co-sponsor of the new measure who has been a lead negotiator for the House on drought issues.

Feinstein, who chairs the Senate Appropriations Energy and Water Development subpanel, included a boiled down version of her Senate-passed bill in her appropriations bill this summer. The section directed federal agencies to maximize water deliveries during the next fiscal year but contained none of the limitations that the drought bill did.

Feinstein's appropriations bill never saw committee consideration -- it was pulled at the last minute over fears about climate and water policy riders -- but the drought language is believed to be in play during omnibus negotiations. That could open the door to inclusion of the new House bill or similar legislation.

But in a brief interview yesterday, Boxer expressed concern at the idea of including the House measure in a must-pass appropriations package.

"I just think to attach a bill that waives protective laws for California -- that's a dangerous thing to do," she said. "It's such a big issue."

Doug Obegi, an attorney for NRDC's water program, said that if the House's aim with the new measure is to increase the pressure on the Senate, it could end up backfiring.

"I think there's a chance that Feinstein and Boxer take umbrage at the House releasing this bill and trying to pressure them and it could backfire for them -- the House majority -- and get them less in the omnibus," he said.

With the House measure offering only short-term changes, all sides are preparing to sit back down at the negotiating table again in January, regardless of whether this bill passes.

"If nothing else, this is a dry run for what we'll probably be doing for the next however many years," Obegi said.

Reporters Nick Juliano and Corbin Hiar contributed.

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From: Weaver, Kiel
Sent: Thursday, December 4, 2014 1:18 PM
To: Birmingham, Thomas (tbirmingham@westlandswater.org); David Bernhardt
Subject: FW: Napolitano and Huffman Arguments

FYI.....

From: Weaver, Kiel
Sent: Thursday, December 04, 2014 3:18 PM
To: Lombardi, Kyle; Nelson, Damon; Tudor, Chris; Eastman, Kevin; Berenter, Alexandra; Butler, Jessica
Cc: Wong, Bryson; Young, Todd
Subject: FW: Napolitano and Huffman Arguments

We need to do a point/counterpoint on this tomorrow as we are planning for floor action on Monday. Any takers on who can start the document that we can use on the floor?

From: Wong, Bryson
Sent: Thursday, December 04, 2014 1:47 PM
To: Weaver, Kiel
Cc: Nelson, Damon
Subject: Napolitano and Huffman Arguments

From the Rules hearing yesterday.

Napolitano:

- Can't call this bill bi-partisan just because you have one Senator involved
- Introduced without a hearing, markup or any input from Southern California
- Received no input from the water agencies on this bill. Don't know how it will impact them, don't know the impacts of the bill on tribes, senior water rights holders, etc.
- Says she's heard (can't confirm) that this bill is being drafted by one of the largest conglomerate of farms (didn't say who)
- Focuses on Central CA more than Southern CA. This bill will increase flows to junior rights holders thus taking away from others.
- Theme: The bill needs to go by the regular process on a bipartisan basis for all of CA

Huffman:

- It is not the ESA that is preventing the State and Federal systems from pumping more but rather the permit and salinity level requirements
- This bill would not allow for more pumping, says the pumps are already pumping at maximum levels
- The bill hasn't had a hearing or been marked up by the committee and would hurt Northern CA fisheries, tribal interests, undermine State law, deprives water managers of the flexibility they need
- Would micro-manage the Water Systems of CA
- Haven't received input from Federal and State water agencies who have the responsibility of clean water and fisheries management. Haven't received input from locally managed water agencies, fishing industry interests, tribes or communities that would be impacted by the bill
- The bill is not bipartisan. Boxer does not see this bill as being a bipartisan bill. Need to have regular order for this bill and that is why Feinstein ended negotiations
- Stakeholders, public agencies and others expressed significant concerns with the bill

Questions he says he needs answered if we were to move forward with this bill:

1. Does the bill allow the State Water Board to issue new orders, including curtailment orders, should they be necessary in a 4th year of a drought? Talks about existing law but not what would happen in a 4th year of drought. Bill hardwires water allocation to a specific set of water users
 2. Bill requires federal government to provide maximum quantity of water supplies possible to CVP contractors. Does this bill allow the federal government to do other things that it believes is necessary to administer the CVP such as filling reservoirs to maintain storage levels they want, or if there are needs for public health, that flexibility doesn't appear to be there in this bill
 3. Does this bill put additional pressure on Trinity water supplies? Does this bill impact them in a negative way?
 4. Does it protect tribal trust obligations in those watersheds? "Tribe" or "Tribal Trust" is nowhere in the bill
 5. Will Title II undermine State water rights and the federal state coordinated operating agreement? There's language in this bill that says it will violate State environmental law (State ESA)
 - a. Misstatements in this bill: Statements that seem to suggest that exchange contractors and settlement contractors have the highest allocation priority for all CVP water, says that is not federal water contract law and yet that appears to be codified as new law in this bill
 6. Too many concerns, technical flaws with this bill in addition to the deeply flawed process
- Says there are salmon populations on the verge of extinction, even though this bill is short term it will do great harm to the fisheries and the communities that depend on the population.
 - Says there is monetary things we can do to help the SJV

Bryson Wong

Subcommittee on Public Lands and Environmental Regulation

Natural Resources Committee

U.S. House of Representatives

1017 Longworth House Office Building

Washington, DC 20515

Phone: (202)226-7736



From: Ara Azhderian

Sent: Friday, December 5, 2014 9:47 AM

To: Allison Febbo; Anthea Hansen; Becky Sheehan; Bobby Pierce; Brad Cavallo; Brenda Burman; Brent Walthall; Byron Buck (Work); Carl Wilcox; Catherine Karen; Chris White; Christopher Marklund; Chuck Hanson; Cindy Kao; Curtis Creel; Curtis Schmutte; Dan Castleberry; Dan Keppen; Dan Nelson; Dan O'Hanlon; Dan Pope; Dave Kaiser; David Bernhardt; David Fullerton; David Weisenberger; Deanna Sereno; DeeDee D'Adamo; Dennis Falaschi; Eileen Diepenbrock; Eric Chapman; Erick Johnson; Evan Sawyer; Felix Yeung; Frances Brewster; Frances Mizuno; Garwin Yip; Gayle Holman; Greg Zlotnick; Holly Long; Jason Nishijima; Jason Peltier; Jeff Cattaneo; Jennifer Buckman; Jerry Johns; Jim Watson; Joe Findaro; John Leahigh; John Mallyon; Jon Rubin; Jose Gutierrez; Julie MacDonald; Lance Johnson (Home); Larry Freeman; Lloyd Fryer; Lon Martin; Maria Rea; Martin McIntyre; Melissa Poole; Michael Chotkowski; Mike Wade; Pablo Arroyave; Paul Helliker; Paul Hutton; Paul Weiland; Peter Rietkerk; Philip A. Williams; Randall Neudeck; Rebecca Akroyd; Ric Ortega; Rick Gilmore ; Roger Patterson; Ron Jacobsma; Ron Milligan; Scott Hamilton; Scott Petersen; Sheila Greene; Stefanie Morris; Stephanie Fong; Stephen Ottemoeller; Steve Arakawa; Steve Sims; Steven Chedester; Sue Ramos (WWD); Terry Erlewine; Tom Birmingham (Office); Tom Boardman; Valerie Connor

Subject: Latest Edition of the SLDMWA Delta Conditions Report

Attachments: SLDMWA 2014-12-04 Delta Conditions Report.pdf

Hi all,

Attached is the latest edition of the SLDMWA Delta Conditions Report. Inflow is finally beginning to rise now that the big NorCal sponge has been filled with this most recent rain. The Projects' pumping response has lagged a bit due to salinity in the Delta, so coming up slowly just like last February. Pumping has increased on the State side but not the federal because of the COA debt. There are a few circumstances whereby that may change - 1) COA debt is repaid, 2) COA accounting is suspended (there's a flow threshold for this to occur), or State pumping exceeds their permitted capacity, which is around 6,600 cfs. We are working closely with State Water Contractors and Reclamation. Expect more through the weekend and the forecast for future rain looks promising. The concern now will be if this storm has triggered salmon movement, which hurt us in December 2012, or if it spikes turbidity, which would raise Delta smelt concerns... either could equate to constrained pumping. The flows we are currently experiencing are substantially less than what occurred in 2012 so we expect turbidity to be moderated.

DELTA CONDITIONS REPORT, DECEMBER 4, 2014

Holly Long, SLDMWA

EXECUTIVE SUMMARY

- Operational constraint: Delta water quality.
 - X2 today is >81 km.
 - Scheduled combined exports today are 5,300 cfs.
 - Outflow index today is ~17,300 cfs. Yesterday, monthly NDOI was 7,625 cfs.
 - Yesterday's CDEC OMR values were -3,981 cfs (daily), -3,255 cfs (5-day), -3,130 (14-day).
 - % inflow diverted today is 44.1% (3-day average).
- Salvage and ITLs, WY 2015
 - Steelhead, non-clipped (12/3): 0.1% of ITL
 - No salvage this WY for: Delta smelt (adult and juvenile), Winter-run Chinook (non-clipped and clipped), Spring-run Chinook (i.e. surrogates).
- Surveys
 - **Delta smelt**, most recent surveys:
 - Fall Midwater Trawl 2014 September–October abundance index is 8 (both months had individual indices of 4). Index comparable to low abundance index years 2005, 2007–2010, 2013 (CDFW memo from Julio Adib-Samii to Scott Wilson, 11/10/14, sent via Randy Baxter).
 - Early warning survey: began this week.
 - **Longfin smelt**, most recent surveys:
 - Fall Midwater Trawl 2014 September–October abundance index is 9 (September index was 6 and October index was 3). Index comparable to very low abundance index years occurring periodically since 2007 (CDFW memo from Julio Adib-Samii to Scott Wilson, 11/10/14, sent via Randy Baxter).
 - Age-0 to age-2 (Bay Study #11—November): mid water trawl (pelagic) caught age-0 fish at one station in Suisun Bay, near Carquinez Strait. Otter trawl (demersal/bottom) caught age-0 fish at one station each in South Bay, Central Bay, San Pablo Bay, and Grizzly Bay.
- Expectations
 - **Operations:**
 - Operations constraint expected to continue to be salinity.
 - Outflow requirement for December is 3,500 cfs.
 - DCC is closed and will remain that way until further notice.
 - Grant Line Canal agricultural barrier scheduled to be removed by 11/26. The other temporary barriers have been removed, including Fall HORB (email update from Jacob McQuirk, DWR, via Simon Kwan, DWR, 11/26/14).
 - **Surveys:**
 - Fall Midwater Trawl annual abundance index to be released in January.

DELTA CONDITIONS REPORT, DECEMBER 4, 2014

DELTA SMELT

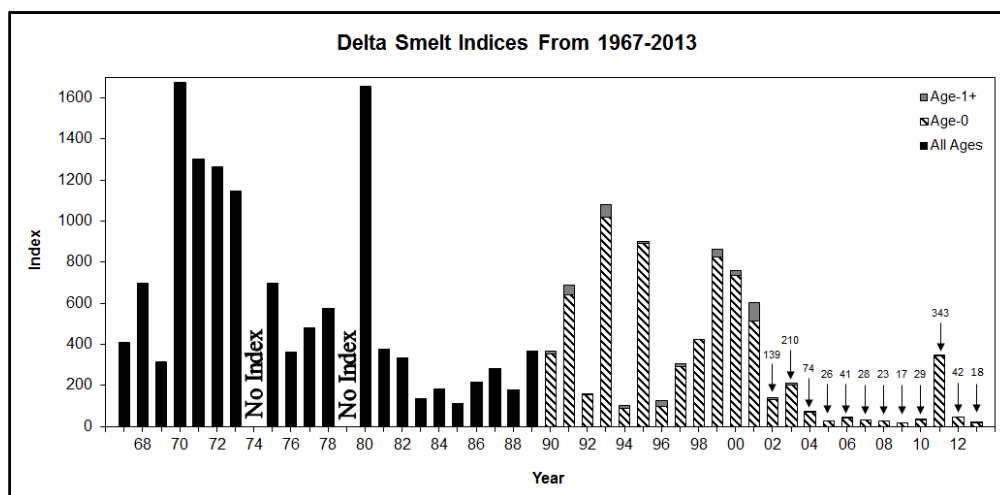
- **Salvage:**
 - No salvage yet this WY.
 - Last salvage date was 5/13/14 (juvenile). Data as of 12/3/14.

- **Early warning survey:** WY 2015 sampling began this week.

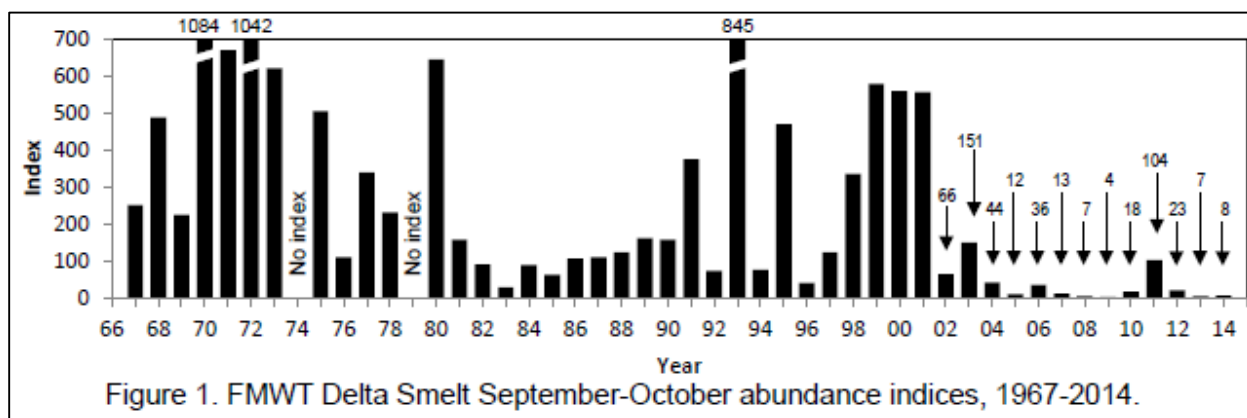
- **Summer Townet Survey:**
 - Began the week of 6/2/14. Data not yet available.
 - “The Summer Townet Survey ***Delta Smelt*** abundance index for 2014 is 0.5, making it the fifth lowest on record. This index is less than last year’s index and is similar to the low indices from 2005-2010, reflecting long term issues with pelagic habitat and extended drought conditions” (Ted Sommer, IEP Science Highlights, Stakeholders Update, August 2014).

- **Fall Midwater Trawl (September–December):**

- **Midterm results:** Total catch from index and non-index stations has been reported for the 2014 September and October FMWT surveys. November and December indices are yet to be determined (CDFW memo from Julio Adib-Samii to Scott Wilson, 11/10/14, sent via Randy Baxter).
- **Delta smelt:** Index of 4 for both September and October. So 2014 Sept. – Oct. abundance index is 8, which is comparable to low abundance index years 2005, 2007–2010, and 2013 (see 2nd figure below). September fish were collected at Grizzly Bay and lower Sacramento River (index stations) and Sacramento Deep Water Shipping Channel (non-index station). October fish were collected in lower Sacramento River (index station). (CDFW memo from Julio Adib-Samii to Scott Wilson, 11/10/14, sent via Randy Baxter).
- The sum of the four monthly abundance indices is the annual FWMT index. The annual summary will be released in January (Randy Baxter, 11/13/14 email to DAT team).



Annual indices. (From CDFW Bay Delta region website,
<http://www.dfg.ca.gov/delta/projects.asp?ProjectID=FMWT>)



September–October indices. (From CDFW memo from Julio Adib-Samii to Scott Wilson, 11/10/14, sent via Randy Baxter email to DAT team)

LONGFIN SMELT

- **Salvage:**
 - No salvage yet this WY.
 - Last salvage date was 4/7/14. Data as of 12/3/14.

- **Bay Study:**

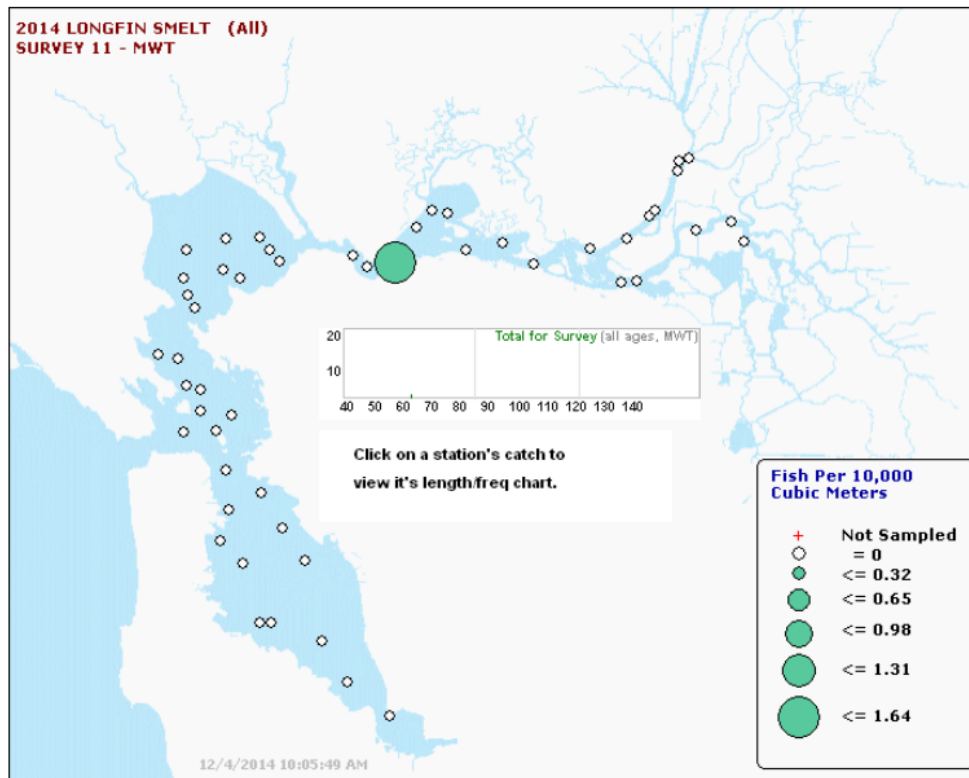


Figure: Monthly Mid water trawl (pelagic), Survey 11 (November). Longfin smelt were found at one station in Suisun Bay, near Carquinez Strait. Last month, fish were found at two stations near the confluence (just past the confluence and on the lower Sacramento). Fish were age-0 in both months.

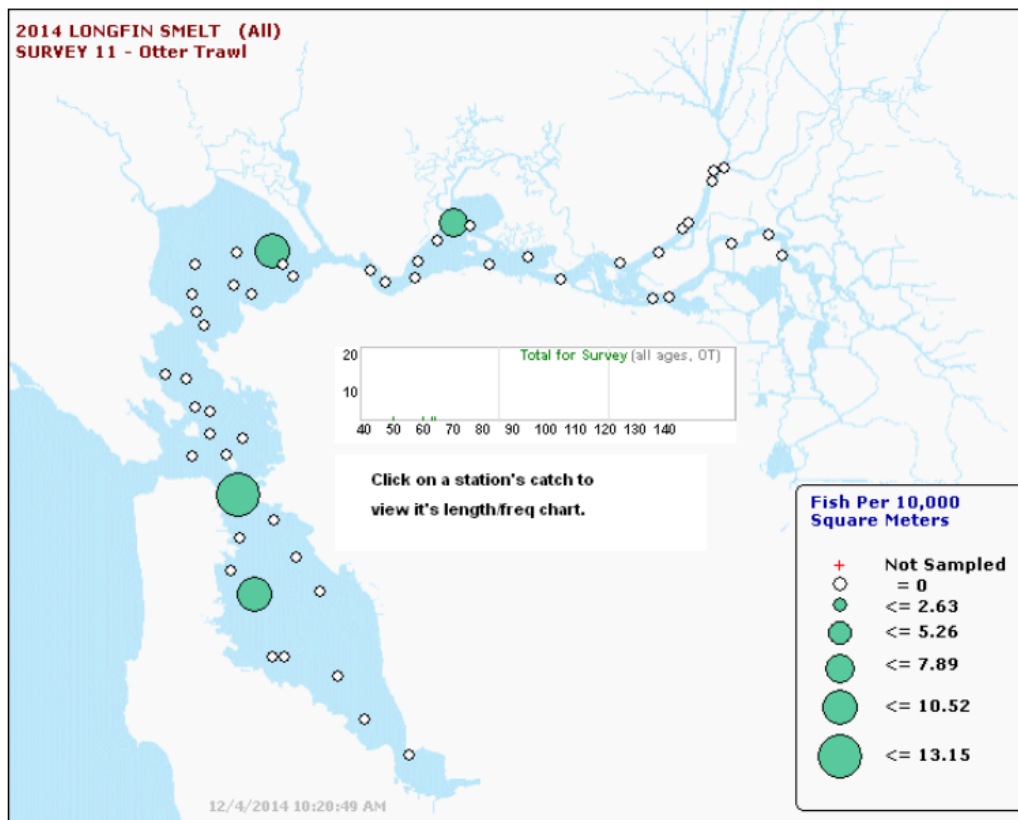
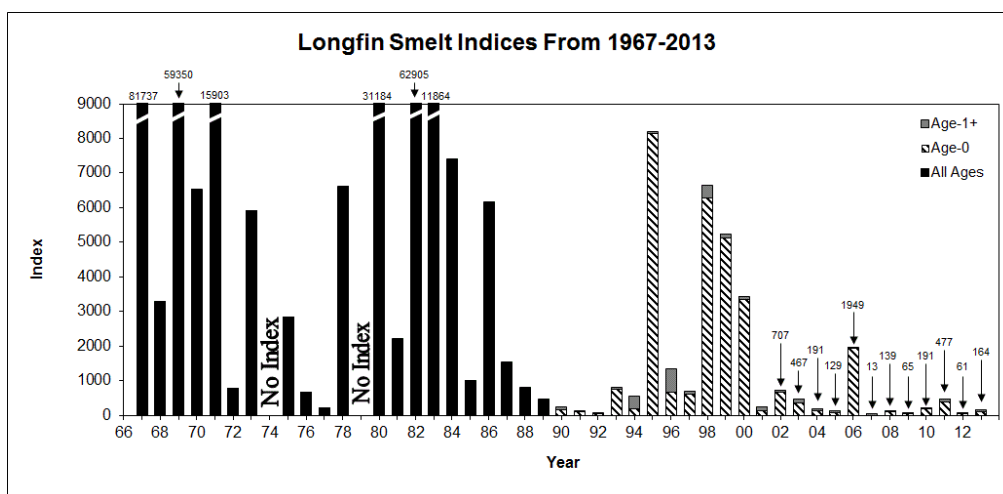


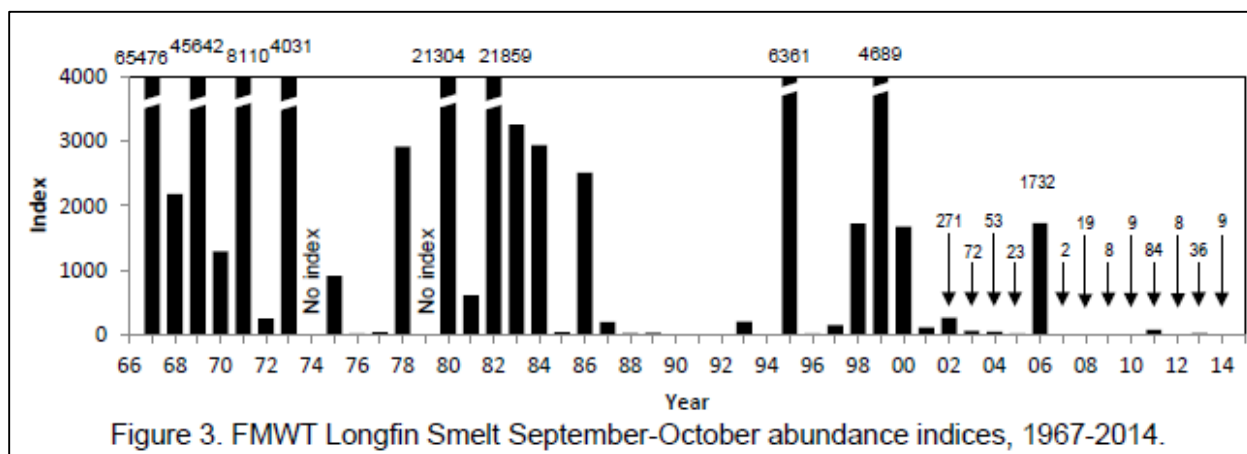
Figure: Monthly otter trawl (demersal/bottom), Survey 11 (November). Longfin smelt were caught at one site each in South Bay, Central Bay, San Pablo Bay, and Grizzly Bay. Last month, they were caught at several sites in Central and San Pablo Bays. Catch densities are lower this month. Fish were all age-0 in both months.

- **Fall Midwater Trawl (September–December):**

- **Midterm results:** Total catch from index and non-index stations has been reported for the 2014 September and October FMWT surveys. November and December indices are yet to be determined (CDFW memo from Julio Adib-Samii to Scott Wilson, 11/10/14, sent via Randy Baxter).
- **Longfin smelt:** Index of 6 for September and 3 for October. So 2014 Sept. – Oct. abundance index is 9, comparable to periodic very low indices beginning 2007 (see 2nd figure below). September fish collected in Carquinez Strait, Suisun Bay, the confluence, and lower Sacramento River (all index stations). October fish collected in San Pablo Bay and lower Sacramento River (index stations). (CDFW memo from Julio Adib-Samii to Scott Wilson, 11/10/14, sent via Randy Baxter).
- The sum of the four monthly abundance indices is the annual FWMT index. The annual summary will be released in January (Randy Baxter, 11/13/14 email to DAT team).



Annual indices. (From CDFW Bay Delta region website, <http://www.dfg.ca.gov/delta/projects.asp?ProjectID=FMWT>)



September–October indices. (From CDFW memo from Julio Adib-Samii to Scott Wilson, 11/10/14, sent via Randy Baxter email to DAT team)

CHINOOK SALMON

- **Salvage:**
 - No salvage yet this WY.
 - Last salvage date was 5/24/14 (Fall-run). Data through 12/3/14.
- **Winter-run distribution:** On 11/25, DOSS estimated that ~75% of young-of-year Winter-run are upstream of the Delta/Knights Landing (with ~25% above Red Bluff Diversion Dam [RBDD] and ~50% between RBDD and Knights Landing), ~25% are in the Delta, and 0% have left the Delta (DOSS call notes, 11/25/2014). This was the same estimation as the prior week.

Coleman NFH Late-fall-run surrogate group	Released spring-run surrogates	Cumulative combined loss as of 12/3/14	Spring-run surrogate concern level WY 2015 (0.5%)	Spring-run surrogate ITL WY 2015 (1%)
12/4/14 release (planned)	~77,000	0	~385 (depends on exact release number)	~770 (depends on exact release number)

STEELHEAD

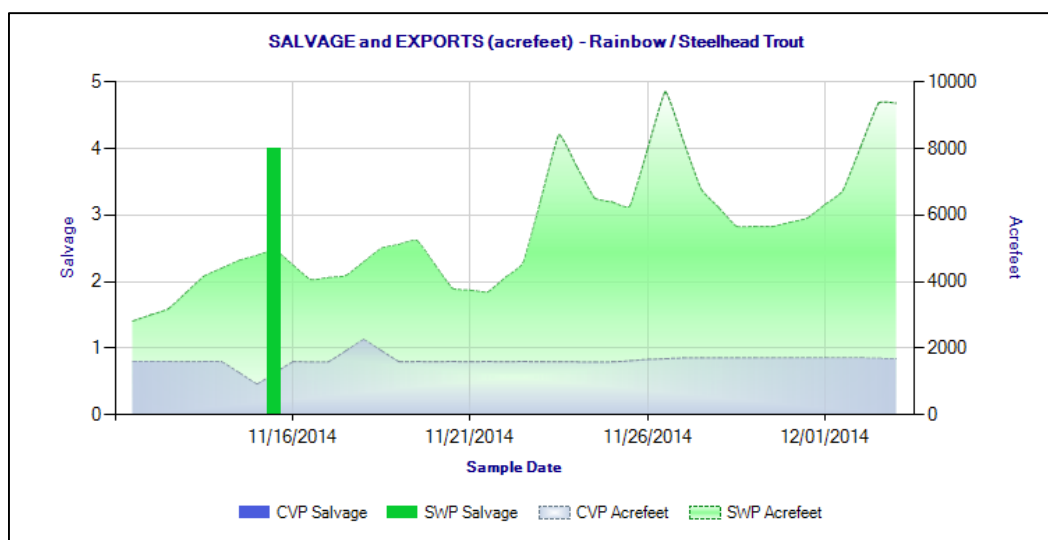
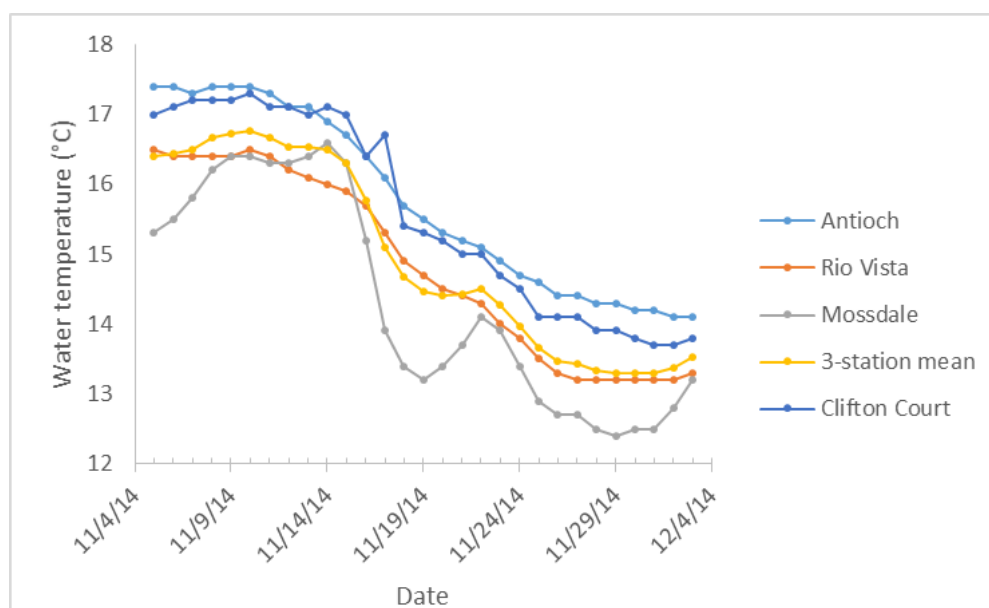


Figure: Recent steelhead salvage at both facilities (clipped and non-clipped). Only salvage date of the WY was 11/16 (SWP). Data through 12/3.

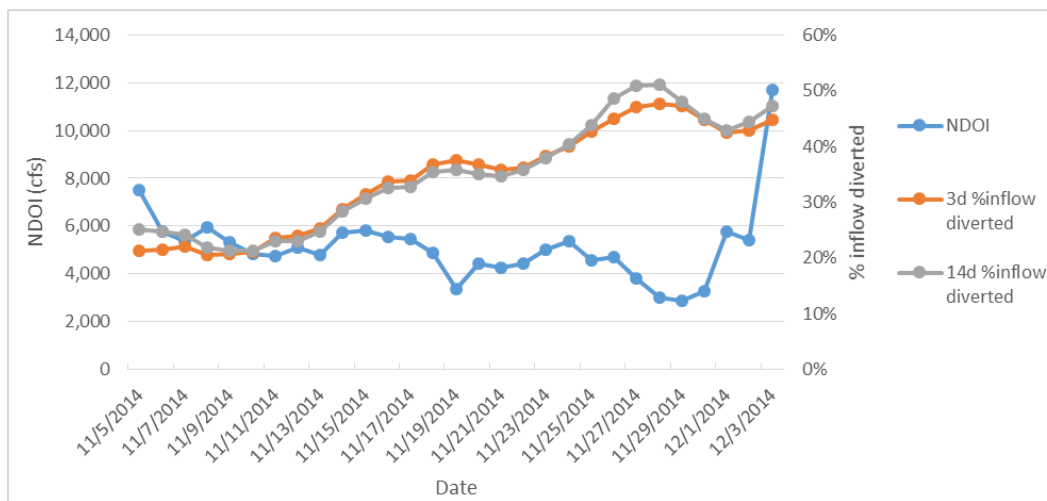
	Cumulative combined salvage for WY 2015 as of 12/3/14	Concern level	Steelhead ITL
Non-clipped, adults and juveniles	4	1,500	3,000

PHYSICAL CONDITIONS

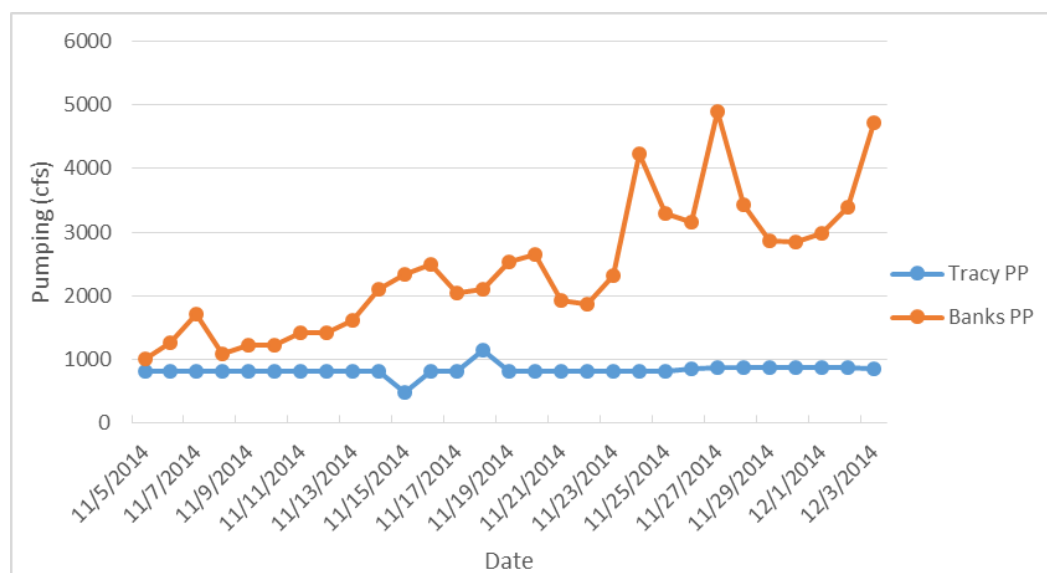
- Currently controlling operations: Delta water quality, until the next substantial rainfall (Ara Azhderian, 6/20/14).
- Location of X2, 12/4: >81 km (past Collinsville).
- DCC status, 12/4: closed.
 - “Delta Cross Channel Gates will close on Monday December 1, 2014 at approximately 9:00 a.m. The gates will remain closed until further notice. Comment: December 1st gate closure for fish protection per National Marine Fisheries Service Biological Opinion (Action IV.1.2)” (11/25/2014 USBR CVO DCC update, accessed 12/4/2014 at http://www.usbr.gov/mp/cvo/vungvari/dcc_chng.txt).
 - See salmonids regulatory section below for more information.
- Temporary barriers (updated 11/26):
 - Barrier removal: All barriers except Grant Line Canal are removed, i.e. Fall Head of Old River Barrier, Middle River agricultural barrier, and Old River near Tracy agricultural barrier. In-water work for Grant Line canal scheduled to be completed by 11/26. Water levels dropped slightly below threshold elevations at Grant Line Canal barrier, Middle River barrier, and Old River near Tracy barrier sites due to barrier breaching, as expected (Jacob McQuirk, DWR email via Simon Kwan, DWR, 11/26/14).
- Turbidity (at sites in delta smelt BiOp) (not all dates have three-day means available)
 - Three-day mean Prisoner’s Point: 5.0 NTU on 12/3 (up from 3.8 NTU on 11/27).
 - Daily mean Holland Cut: 2.1 NTU on 12/3.
 - Three-day mean Victoria Canal: 3.4 NTU on 12/3.
- Temperature



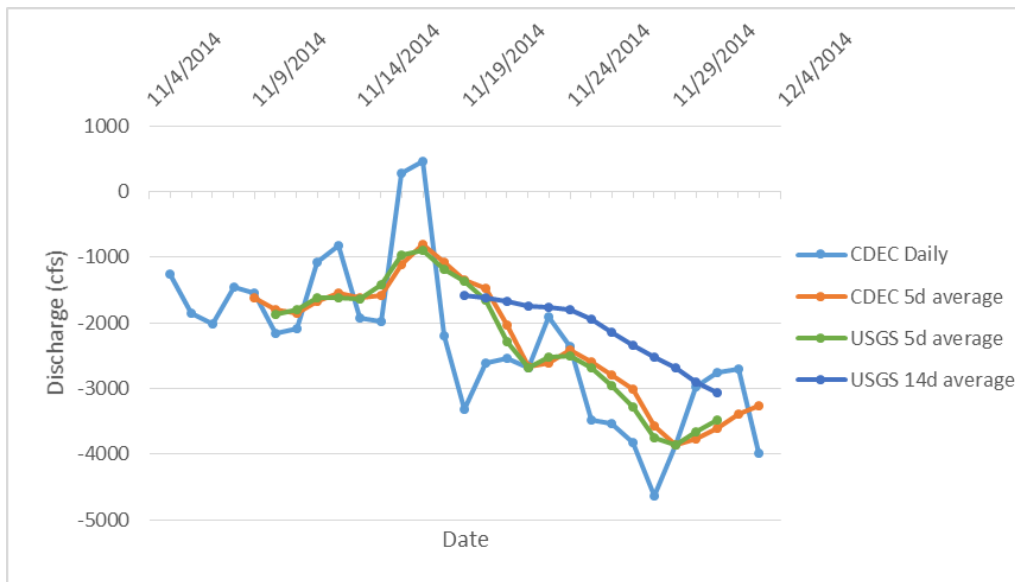
- Delta outflow index as of 12/4: ~17,300 cfs
 - On 12/3, the average NDOI was reported as 7,625 cfs (monthly) and 7,625 cfs (7-day).
 - Delta outflow requirement for December is 3,500 cfs (for critical WY), with 7-day running average no less than 2,000 cfs (D-1641, Table 3).
- Total Delta inflow as of 12/4: ~13,264 cfs
 - Sacramento flow: 11,874 cfs
 - San Joaquin flow: 969 cfs
 - % inflow diverted (3-day average): 44.1%.
 - July–January standard for % inflow diverted is 65%.



- Exports:
 - 12/4 scheduled exports: 4,500 cfs Clifton Court inflow; 800 cfs Jones/Tracy PP.



- Tidally-filtered OMR:



REGULATORY

- Delta smelt
 - Summary of current and upcoming RPAs:

2008 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2015 information	Regulation
Action 1: Adult migration and entrainment (first flush) (RPA Component 1)	A	Dec. 1 - Dec. 20	Smelt Working Group may recommend a start date for the Action to the Service, based on conditions.		"Limit exports so that the average daily OMR flow is no more negative than -2000 cfs for a total duration of 14 days, with a 5-day running average no more negative than 2,500 cfs (within 25 percent)" (p. 329). SWG can recommend delayed start or interruption based on conditions affecting entrainment vulnerability.
	B	After Dec. 20	(1) Three-day average turbidity at Prisoner's Point, Holland Cut, and Victoria Canal are each > 12 NTU. (2) Three days of DS salvage at either facility. (3) Cumulative daily salvage ≥ 1/2 prior year FMWT value (so ≥ 9 for WY 2014).		
	Offramp	.	(1) Water temp reaches 12°C based on three-station daily mean at Mossdale, Antioch, Rio Vista. (2) Onset of spawning (presence spent females in SKT, Banks, or Jones).		Action 3 triggered, unless Service decides Action 2 should be implemented instead.

- Longfin smelt
 - Summary of current and upcoming RPAs:

2009 Longfin smelt ITP Condition	Trigger stage	Trigger month	Trigger	WY 2015 information	Regulation
5.1 (OMR flow)	.	Dec. - Feb.	(1) Cumulative salvage index >5 OR (2) Review of abundance and distribution survey data and other biological factors affecting entrainment risk of adults indicates OMR flow advice warranted.		SWG provides OMR flow advice to WOMT and Director of DFG weekly. Condition not likely to occur in many years. Would not trigger or would cease if Sacramento at Rio Vista > 55,000 cfs or San Joaquin at Vernalis > 8,000 cfs; retriggered at 40,000 and 5,000 cfs, respectively.
	Offramp		Spawning detected.		

- Salmonids
 - DCC gates closed 11/2–11/7 for fish protection. Gate closure triggered by Knights Landing Catch Index (>5 fish/day), per Attachment G of 2014 Drought Operations Plan. Water quality concern levels were not met. Emergency WOMT and DOSS calls, per Action IV.5, resulted in agreement to close DCC gate (DAT Salmonid Monitoring update email, 11/3/14, Farida Islam, DWR).
 - Summary of current and upcoming RPAs:

2009 BiOp RPA section	Trigger stage	Trigger month	Trigger criteria	WY 2015 information	Regulation
IV.1.1 (Monitoring and alerts to trigger changes in DCC operations)	"First alert"	Oct. - Apr.	(1) Capture yearling-sized (> 70mm) spring-run at mouths of natal tributaries--> emigration starting or occurring OR (2) Starting in Oct., an increase in tributary flow of > 50% over levels immediately preceding flow spike--> indicates cues for emigration initiation.	Alert triggered: Mill and Deer Creek flows >95 cfs from 11/19-11/24 (11/25 DOSS call)	Monitor Chinook salmon migration in Sacramento Basin and Delta. Either criterion can trigger the alert. Alert signals that gate operations might need alteration in near future to avoid diverting outmigrating Chinook.
	"Second alert"	.	(1) Water temp < 13.5°C at Knights Landing AND (2) Flows greater than 7,500 cfs at Wilkins Slough--> associated with recovering emigrating Chinook at Knights Landing.	As of 11/24, only #1 met (11/25 DOSS call). Met #2 12/2-12/3 (CDEC).	Alert triggered when both second alert criteria met.
IV.1.2 (DCC gate operations)	N/A	Oct. - Nov.	Fish present (criteria based on D1641 WQ standards, Knights Landing Catch Index, and Sacramento Catch Index).		Gates closed if fish present. See 2011 amend., Encl. 2 (p. 62) for details on triggers.
		Dec. 1-14	1) If D-1641 WQ criteria met, DCC gates closed (unless NMFS approves Chinook experiment). 2) If WQ criteria are not met but both KLCI and SCI are <3 fish/d, DCC may be opened until WQ criteria met, then DCC will close within 24 hrs. 3) If WQ criteria are not met but either KLCI or SCI >3 fish/d, DOSS makes recommendation to NMFS and WOMT per Action IV.5 procedures (2011 amendment, Encl. 2 (p. 63)).	Gates currently closed. SCI value for 12/3 was 4.5 and WQ is not being met (S. Greene).	Gates closed, dependent on triggers.
		Dec. 15-Jan. 31	Gates may be opened for up to 5 days for NMFS-approved experiment, or for one-time event between Dec. 15-Jan. 5 when needed to maintain WQ in response to high tide coupled with low inflow (2011 amendment, Encl. 2 (p. 64)).		Gates closed, dependent on triggers.
		Feb. - May 20	N/A	Closed.	Gates closed per D1641.
		May 21 - June 15	N/A		Closed up to 14 days per D1641.
IV.3 (Reduce likelihood of entrainment or salvage at export facilities)	"Third alert"	Nov. - Dec.	Catch index > 10 fish/d from either Knights Landing or Sacramento Catch Index.	DCC is closed	In conjunction with two DCC-closure triggers (Action IV.1.1), this alert signals that export operations might need to change in near future due to large numbers juvenile Chinook migrating into upper Delta.
	.		(1) Daily SWP/CVP older juvenile loss density > 8 fish/TAF. (2) Daily loss > 95 fish/d. (3) CNFH CWT late fall-run Chinook or LSNFH CWT winter-run cumulative loss > 0.5%.		When any trigger criterion met, reduce exports to combined 6,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.
	.		(1) Daily SWP/CVP older juvenile loss density > 15 fish/TAF. (2) Daily loss > 120 fish/d. (3) CNFH CWT LFR or LSNFH CWT WNT cumulative loss > 0.5%.		When any trigger criterion met, reduce exports to combined 4,000 cfs for 3 days or until CVP/SWP daily density < 8 fish/TAF.

From: Jason Peltier

Sent: Friday, December 5, 2014 1:30 PM

To: 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauft'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'; T Birmingham (tbirmingham@westlandswater.org)

Subject: Opo

Importance: High

From: env-trinity [mailto:env-trinity-bounces@velocipede.dcn.davis.ca.us] **On Behalf Of** Dan Bacher

Sent: Friday, December 05, 2014 12:23 PM

To: undisclosed-recipients

Subject: [env-trinity] Article Submission: House 'Drought Relief' Bill Would Eviscerate Environmental Protections

Importance: High



<http://www.dailykos.com/story/2014/12/04/1349404/-House-Drought-Relief-Bill-Eviscerates-Environmental-Protections>

<http://www.indybay.org/newsitems/2014/12/05/18765080.php>

House 'Drought Relief' Bill Would Eviscerate Environmental Protections

by Dan Bacher

On December 2, Congressman David G. Valadao (CA-21) introduced controversial water legislation in the U.S. House of Representatives purported to provide "short-term relief" from California's water crisis.

"I will not let this year end without exhausting every possible option to bring relief to the Central Valley," Valadao vowed.

However, environmental and fishing groups and Northern California Congress Members quickly responded to the measure, slamming the bill for being a "wish list" dictated by San Joaquin Valley corporate agribusiness interests "to the politicians they hold in thrall."

In response, Barbara Boxer late on Wednesday released a statement that "this measure could reignite the water wars by overriding critical state and federal protections for California," all but ensuring that the bill will be die until the Republican-dominated Senate and House take over next year.

There is no doubt that Valadao and his fellow San Joaquin Valley Congressmen will make the passage of this legislation a priority in 2015.

Valadao claims H.R. 5781, the California Emergency Drought Relief Act of 2014, "provides eighteen months of relief (two water years) while protecting the State Water Project and protecting Northern California water rights."

Rep. Valadao stated, "This well thought out, common sense legislation contains no controversial measures for either Party. Not only will this legislation provide a temporary eighteen month solution, it will also help ensure negotiations between the Senate and the House continue."

Original cosponsors of the legislation include Reps. David G. Valadao (CA-21), Kevin McCarthy (CA-23), Ken Calvert (CA-42), Jim Costa (CA-16), Doug LaMalfa (CA-01), Tom McClintock (CA-04), and Devin Nunes (CA-22).

Environmental groups took strong issue with Valadao's claim that the "legislation contains no controversial measures for either party," pointing out that it would eviscerate Endangered Species Act protections, overrule the Delta smelt biological opinions and increase pumping from the Delta. This would take place at a critical time when fisheries desperately need water flows to recover from the drought.

In a statement, the California Water Impact Network (C-WIN) said HR 5781 "purports to solve California's drought-induced water shortages," but "will do nothing of the sort."

"HR 5781 mandates water deliveries to all Central Valley Project and State Water Project

contractors – regardless of the water available in storage,” according to C-WIN “This assures ‘dead pools’ in our reservoirs if the drought continues, meaning there will be no water available when urban ratepayers and industry need it most for basic survival.”

The group also said the bill provides for a 30-day federal review of all projects and operations that “would provide additional water supplies.” This could ultimately result in the fast-track approval of ruinously expensive, environmentally destructive and ultimately inefficient schemes, including new dams.

Finally, C-WIN blasted the legislation for allowing for expedited water transfers, “putting the ecological stability of our North State rivers and the reserves of our aquifers at risk.”

“This bill will actually perpetuate our drought emergency by giving away all the water in storage to Big Ag,” said Tom Stokely, water policy analyst for the California Water Impact Network. “It will drain Trinity Lake, depleting the last cold water reserve available for Klamath and Trinity River salmon and steelhead. We’ll see fish kills that make the great die-off of 2002 look minor by comparison.”

“No matter how you cut it, this bill is an utter disaster. We’re calling on Dianne Feinstein and Barbara Boxer to oppose this legislation in the Senate. They need to step up and protect California’s water supplies, urban ratepayers, environment, family farms and fisheries,” Stokely concluded.

For more information about C-WIN, go to <http://www.c-win.org/>

Restore the Delta (RTD), opponents of Governor Jerry Brown’s Bay Delta Conservation Plan (BDGP) to build the salmon-killing peripheral tunnels, criticized Representative David Valadao for trying to push through a “drought relief” measure that would allow more water for Westlands’ and Kern Water Districts’ mega-growers in the midst of a severe drought.

“Congressman Valadao’s bill is more of the same from this Congress that is bent on circumventing state water rights and stopping state and federal agencies from determining and implementing safe water export levels for San Francisco Bay-Delta fisheries, Delta farms, and Delta communities,” said Barbara Barrigan-Parrilla, executive director of Restore the Delta.

“The sponsors of this legislation favor big industrial growers who have planted tens of thousands of acres of almonds and other permanent crops in the midst of the drought, and those who seek to profit from selling water to the detriment of Northern California rivers, groundwater supplies, and the Bay-Delta estuary,” added Barrigan-Parrilla.

“Members of Congress are manipulating the impacts of drought conditions to serve wealthy special interests. They’re framing the bill as non-controversial, and bipartisan, but it would smother Endangered Species Act protections, overrule the Delta smelt biological opinions, and increase pumping from the Delta, when fisheries need flows presently to recover from the drought,” she stated.

"These same Congressional Representatives never consider what will be the economic impacts on the Bay-Delta economy as water quality and fisheries continue to deteriorate from decades of over pumping the Delta. They continue to exclude the 4 million residents of the Delta region, even though their economic and environmental well-being is tied to the health of the region. We are tired of their ongoing political assault on our communities," concluded Barrigan-Parrilla.

The Northern California Congressional Delegation on December 3 issued a statement blasting the "flawed, discriminatory House Republican water bill."

(<http://mavensnotebook.com/2014/12/03/this-just-in-northern-california-delegation-statement-on-flawed-discriminatory-house-republican-water-bill-members-the-drought-does-not-stop-at-the-edge-of-congressional-districts/>)

Northern California Representatives Jared Huffman (D-02), George Miller (D-11) Mike Thompson (D-05), Doris Matsui (D-06), Jerry McNerney (D-09), John Garamendi (D-03), and Ami Bera (D-07) stated:

"With just a few days left in the legislative session, the House plans to pass yet another divisive, dishonest, and potentially devastating California water bill without any public input or legislative oversight. This is unconscionable, and just the latest chapter in Republicans' reckless approach to micromanaging the state's water during one of the worst droughts in our history.

"The idea that this bill is a 'compromise' is laughable. It is clear that this bill was thrown together without any input from anyone other than those who stand to benefit from its passage. This bill was not reviewed by the Natural Resources Committee, nor has it received input from federal agencies, the state, affected local water agencies, the fishing industry, tribes, or communities. Legislation this sweeping should be the subject of public hearings and input from all affected stakeholders.

"The bill makes it more difficult for state and federal agencies to make real-time water decisions, undermines state water rights priorities, misstates current law, and explicitly overrides the Endangered Species Act. These sweeping changes would place the west coast's environment, tribes, communities, and the fishing industry in harm's way in the next drought year.

"The drought does not stop at the edge of congressional districts, yet this bill insulates some parts of the state from the tough water decisions that will be made in the next year. We're all in this together, and Congress should not tie water managers' hands nor should we address drought conditions in some parts of the state at the expense of others."

You can watch Congressman Jared Huffman speaking on the Delta fisheries and northern California water supplies in the hearing on H.R. 5781 at: <http://bit.ly/1FRsaPL>

For more information, go to: <http://restorethedelta.org>

From: Jason Peltier
Sent: Friday, December 5, 2014 6:57 PM
To: Dennis Cardoza; Joe Findaro; David Bernhardt
Subject: Fwd: SAP on the bill

Begin forwarded message:

From: Erik Hansen <[REDACTED]@[REDACTED]>
Date: December 5, 2014 at 5:49:36 PM PST
To: Cannon Michael <cannon@bfarm.com>
Cc: Aubrey J D Bettencourt <[REDACTED]@[REDACTED]> Ara Azhderian
<Ara.Azhderian@sldmwa.org>, Sarah Clark Woolf <[REDACTED]@[REDACTED]> Jason Peltier
<jpeltier@westlandswater.org>, "Roger A. Isom" <roger@ccgga.org>, Mario Santoyo
<msantoyo@friantwater.org>, Joel Nelsen <jnelsen@cacitrusmutual.com>, Joe Del Bosque
<[REDACTED]@[REDACTED]> "Mark M. Borba" <[REDACTED]@[REDACTED]>
Subject: Re: SAP on the bill

Wonder where he got the talking points?

-E

On Dec 5, 2014, at 5:00 PM, Cannon Michael <cannon@bfarm.com> wrote:

FYI From Obama.

Have a nice weekend

STATEMENT OF ADMINISTRATION POLICY

H.R. 5781 – The California Emergency Drought Relief Act of 2014

(Rep. Valadao, R-CA, and 6 cosponsors)

The Administration opposes H.R. 5781 because it fails to equitably address critical elements of California's complex water challenges. The Administration appreciates the efforts by the bill authors to address concerns raised by the Administration regarding H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act. However, because H.R. 5781 makes operational determinations regarding the use of limited water resources during

the ongoing drought, and contains many new provisions that could lead to unintended consequences or further litigation, the Administration cannot support the bill in its current form.

The Administration takes seriously the ongoing drought that has affected communities, producers and water users across much of the country, including the especially hard hit State of California. Since the President's visit to Fresno, California earlier this year the Administration has undertaken a number of steps to help those most affected by drought. The U.S. Department of Agriculture has directed millions of dollars in food, conservation and emergency water assistance to tens of thousands of residents in areas hardest hit by drought. The Bureau of Reclamation has provided cost-share assistance for nine water reclamation and reuse projects in the State as well as millions of dollars in grants to build long-term resiliency to drought.

Moreover, the President has directed Federal agencies to work with state and local officials in real-time to maximize limited water supplies, prioritize public health and safety, meet state water quality requirements, and ensure a balanced approach to providing for the water needs of people, agriculture, businesses, power, imperiled species and the environment. Among other things, these efforts took form in a 2014 Drought Operations Plan, prepared in close coordination with the State, and the Administration is already taking steps to prepare a new drought plan for 2015 based on lessons learned and the best available science during the current year.

H.R. 5781 was introduced on December 2 and is being considered in the few remaining days of this session without a hearing or opportunity for the public to review and provide comment. In particular, the bill appears to include a number of potentially conflicting mandates which can create confusion and undermine environmental laws, making it ripe for future litigation. Given the complexity of California water issues, policy determinations over the use of scarce water resources should be developed in an open and transparent manner, with an ability for the public, affected stakeholders, and Federal, state and local officials to review and provide comment and feedback. The Administration stands ready to work with Congress in this regard.

For these reasons, if the President were presented with H.R. 5781, his senior advisors would recommend that he veto the bill.

* * * * *

From: DCardoza@foley.com

Sent: Sunday, December 7, 2014 5:34 PM

To: Rep. Jim Costa

CC: Dan Nelson; Ara Azhderian; David Longly Bernhardt; Joe Findaro; Scott Petersen; Denny Rehberg; Tom Birmingham

Subject: Re: Rain can't extinguish hot talk about water | The Modesto Bee

Hi Jim and Scott,

We need to work the Southern California Dems and Blue dogs as we discussed. Do you have a whip count yet from the list we made up last week?

Debate will begin at 2pm Monday. Do we know when the vote will take place?

Dennis

Congressman Dennis A. Cardoza

Foley & Lardner LLP

Suite 600

3000 K Street, NW<x-apple-data-detectors://0/0>

Washington, DC 20007-5109<x-apple-data-detectors://0/0>

Phone: 202.295-4015

Fax: 202.672.5399<tel:202.672.5399>

Email: dcardoza@foley.com<<mailto:dcardoza@foley.com>>

Sent from my iPhone

The preceding email message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of the Foley & Lardner LLP client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party. Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to a federal tax issue, unless expressly stated otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.

On Dec 7, 2014, at 6:17 PM, Tom Birmingham <tbirmingham@westlandswater.org<<mailto:tbirmingham@westlandswater.org>>>> wrote:

Good job!

<http://www.modbee.com/opinion/opn-columns-blogs/mike-dunbar/article4307320.html>

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From: DCardoza@foley.com

Sent: Sunday, December 7, 2014 5:50 PM

To: Costa, Jim

CC: Dan Nelson; Ara Azhderian; David Longly Bernhardt; Joe Findaro; Petersen, Scott; Denny Rehberg; Tom Birmingham

Subject: Re: Rain can't extinguish hot talk about water | The Modesto Bee

Very good. I will call or those I can help with. Dennis

Congressman Dennis A. Cardoza

Foley & Lardner LLP

Suite 600

3000 K Street, NW<x-apple-data-detectors://0/0>

Washington, DC 20007-5109<x-apple-data-detectors://0/0>

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On Dec 7, 2014, at 7:42 PM, Costa, Jim <[REDACTED]@[REDACTED]> <[mailto:\[REDACTED\]@\[REDACTED\]](mailto:[REDACTED]@[REDACTED])> wrote:

My understanding the vote is Tuesday. Started a whip count w/Scott & Staff., we are working Blue Dogs and other folks who are friends or just miff-off -- jim

Sent from my iPhone

On Dec 7, 2014, at 5:34 PM, "DCardoza@foley.com<<mailto:DCardoza@foley.com>>" <DCardoza@foley.com<<mailto:DCardoza@foley.com>>> wrote:

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From: Butler, Jessica

Sent: Monday, December 8, 2014 9:06 AM

To: David L. Bernhardt (dbernhardt@bhfs.com); Tom Birmingham (tbirmingham@westlandswater.org)

Subject: Potential water questions

Good morning gentlemen,

In prep for floor debate today I ran across these from CRS, any way we could try and get a few of these answered before 2?

Questions Emerge

H.R. 5781 raises several potential questions and issues that are unique to the bill, and in some cases are similar to issues raised by S. 2198 and H.R. 3964. For example:

- How will the Secretary of the Interior implement the provisions in the bill to result in increased water supplies for users while remaining consistent with existing laws and regulations?
- What are the short- and long-term environmental effects of the bill, given the uncertainty of how long the state will be under a drought emergency declaration?
- What are the short- and long-term effects on water users, assuming no redirected adverse impacts or changes to state water law?
- How will the potential projects and operational changes, as well as mitigation expenses, be funded under this bill?
- What are the precedent-setting provisions in the bill for managing resources wh

Jessica

Jessica Butler

Legislative Director

Rep. David G. Valadao (CA-21)

1004 Longworth House Office Building

Washington, DC 20024

202-225-4695

jessica.butler@mail.house.gov



From: Butler, Jessica

Sent: Monday, December 8, 2014 10:22 AM

To: Tom Birmingham (tbirmingham@westlandswater.org); David L. Bernhardt (dbernhardt@bhfs.com)

Subject: latest water numbers

Where can I find the latest numbers for the amount of water that has been dumped into the ocean for fish etc?

Jessica

Jessica Butler

Legislative Director

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1004 Longworth House Office Building

Washington, DC 20024

202-225-4695

Jessica.butler@mail.house.gov



From: Tom Birmingham
Sent: Monday, December 8, 2014 10:39 AM
To: Butler, Jessica
CC: David L. Bernhardt (dbernhardt@bhfs.com)
Subject: Re: Potential water questions

Sent from my iPad

On Dec 8, 2014, at 9:06 AM, "Butler, Jessica" <Jessica.Butler@mail.house.gov> wrote:

Good morning gentlemen,
In prep for floor debate today I ran across these from CRS, any way we could try and get a few of these answered before 2?

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- What are the short- and long-term environmental effects of the bill, given the uncertainty of how long the state will be under a drought emergency declaration?

One of the short term environmental effects of this legislation will be to reduce groundwater overdraft in the San Joaquin Valley. Increased water supplies from the CVP and SWP will mean that farmers will have to rely less on groundwater to irrigate crops. To the extent that there is sufficient water to put back into production fields that have been fallowed, there will be improved air quality in the Valley. There should be no effect on

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- What are the short- and long-term effects on water users, assuming no redirected adverse impacts or changes to state water law?

The bill is carefully crafted to ensure that there is neither short-term nor long-term harm to other water users. For public water agencies that receive water from the CVP and the SWP, there should be short-term water supply benefits. Given the temporary nature of this legislation, there are no foreseeable long-term effects.

- How will the potential projects and operational changes, as well as mitigation expenses, be funded under this bill?

The federal agencies have sufficient discretionary funding to enable them to pay for operational changes and mitigation. For every additional acre-foot of water delivered to CVP ag service contractors, there will be an additional \$9.99 paid to the CVPIA restoration fund.

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Jessica.butler@mail.house.gov

<image001.jpg> <image002.png> <image003.jpg>

From: Butler, Jessica
Sent: Monday, December 8, 2014 11:24 AM
To: 'Tom Birmingham'
Subject: RE: Potential water questions

Thank you!! Saved the day again!

Jessica

Jessica Butler
Legislative Director
Rep. David G. Valadao (CA-21)
1004 Longworth House Office Building
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202-225-4695
Jessica.butler@mail.house.gov



From: Tom Birmingham [mailto:tbirmingham@westlandswater.org]
Sent: Monday, December 08, 2014 12:39 PM
To: Butler, Jessica
Cc: David L. Bernhardt (dbernhardt@bhfs.com)
Subject: Re: Potential water questions

Sent from my iPad

On Dec 8, 2014, at 9:06 AM, "Butler, Jessica" <Jessica.Butler@mail.house.gov> wrote:

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Jessica.butler@mail.house.gov

<image001.jpg> <image002.png> <image003.jpg>

From: Tom Birmingham
Sent: Monday, December 8, 2014 12:00 PM
To: Butler, Jessica
CC: David L. Bernhardt
Subject: Re: Potential water questions

Jessica,

One additional short-term environmental impact is improved water quality in the Central and South Delta. The legislation provides for keeping the cross-channel gates open. This will have a dramatic effect on water quality, to the good.

Tom

Sent from my iPad

On Dec 8, 2014, at 11:24 AM, "Butler, Jessica" <Jessica.Butler@mail.house.gov> wrote:

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Jessica

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<image001.jpg> <image002.png> <image003.jpg>

From: Denny Rehberg

Sent: Monday, December 8, 2014 1:52 PM

To: Tom Birmingham; Joseph T. Findaro; David Longly Bernhardt; Dennis Cardoza; Catherine Karen

Subject: Roll call Approps piece

Attachments: image001.png

Cromnibus Stalling Behind Closed Doors

By **Matt Fuller** Posted at 3:10 p.m. Dec. 8



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The release of the “cromnibus” has been delayed as lawmakers across the Capitol continue to work out a number of issues on the spending bill.

House and Senate appropriators expected to finish the legislative language of the cromnibus — a combination of a continuing resolution and an omnibus — by Monday afternoon. But negotiators are still dealing with a number of issues, according to GOP aides. The House was expected to release the text of the bill Monday night. That now seems unlikely, as does a vote on the bill in the House Wednesday.

“The playing field of questions is much larger than we previously realized,” one senior Republican aide said.

Leaving the House floor Monday afternoon, House Majority Leader Kevin McCarthy, R-Calif., said he had to “catch up with” Appropriations Chairman Harold Rogers, R-Ky., but said negotiators appeared to be “closing in on some final points” and “finishing out final details.” He wouldn’t commit to a timeline for filing the cromnibus, but predicted the chamber would finish its work by Thursday as planned.

Among the issues remaining are a bevy of EPA riders. Republicans are looking to constrain the agency through a number of provisions, but Democrats are pushing back and they’re running into a mathematics question: If you gain five conservatives with this EPA rider, will you lose 10 Democrats?

Another issue is multiemployer pensions. The government’s private pension safety net is running at a large deficit, and lawmakers are trying to decide how — and whether — the spending bill will address the Pension Benefit Guaranty Corp.

This comes in addition to conservative opposition to any plan that doesn’t explicitly defund the president’s executive action on immigration. The cromnibus is not expected to include language blocking the action, which will cost the bill the support of many conservatives. Instead, the cromnibus would only fund the Department of Homeland Security through February or March. The other 11 agencies of the government would be funded until October.

Even with the outstanding issues, aides presented a confident front the bill would get through and a shutdown would not happen.

"Timing is fluid, but everyone is committed to preventing a shutdown," a senior aide GOP said. Whether that means Congress has to pass a short-term CR for a day or two remains to be seen, and the aide would not directly comment on that possibility. "When things happen, they can happen fast," the aide remarked instead.

As it stands, Congress is already running up against a time crunch. If the House doesn't vote on the bill until Thursday, that leaves only hours for the Senate to pass the bill, meaning any one senator could hold up the legislation and send the government into a shutdown.

Emma Dumain and Tamar Hallerman contributed to this report.

.....
Mercury.

Denny Rehberg

Co-Chairman

(US Congressman 2001-2013)

The Portrait Building

701 8th Street NW | Suite 650

Washington, DC | 20001

202.261.4000 office | [REDACTED] mobile

www.mercuryllc.com

From: Jason Peltier

Sent: Tuesday, December 9, 2014 7:33 AM

To: Tom Birmingham; Dennis Cardoza; Denny Rehberg; Joe Findaro; David Bernhardt

Subject: House-passed drought bill likely to sink in the Senate | The Sacramento Bee

<http://www.sacbee.com/news/state/california/water-and-drought/article4374717.html>

From: Jason Peltier

Sent: Tuesday, December 9, 2014 10:27 AM

To: T Birmingham (tbirmingham@westlandswater. org); Dennis Cardoza; Joe Findaro; David Bernhardt; Dan Nelson <Dan. Nelson@sldmwa. org>; Ara.azhderian@sldmwa.org

Subject: Merced Sun-Star / Don't treat Valley's people as if they are disposable

<http://www.mercedsunstar.com/>

Don't treat Valley's people as if they are disposable

BY JOSE ANTONIO RAMIREZ

12/07/2014 4:00 AM

12/08/2014 3:59 PM

-  Story
 - [Comments](#)
-

Agriculture is as important to the city of Livingston as technology is to the Silicon Valley. Our farming way of life has always been the backbone of the region; it provides a career ladder up for families starting at the lowest employment level and an opportunity for many to start their first humble family business.

As city manager of Livingston, I take great pride in the efforts our residents have made to recover from the recession and the housing crisis. But we cannot have a sustained recovery without a recovery in agriculture. Thousands of acres in our region have been left fallowed. Some of that has been the result of hard times suffered by local farmers due to the recession and other variables. But most of it is due to the hardships resulting from no relief, in the form of making water available for agriculture.

Unfortunately, despite all the attention paid to the drought, we still have no solution that will help the residents of Livingston. There have been several attempts by Congress to put together a bipartisan solution, and we have been given years of assurances that our desperate situation will be addressed. These assurances are not secondhand knowledge because I have heard everything firsthand.

Now we are less than a week away from the end of this Congress. There appears to be one last chance to provide relief to our region. We urge policymakers to remember us, and take action. We don't want

to be left stranded, like we were back in 2009. I was the city manager for the city of Firebaugh from 2003 to 2011 and I can attest to the human suffering.

Livingston is a town of 15,000. In terms of numbers, we're roughly the same size as many towns in Southern California. But when a mudslide hits, or a fire threatens homes, heaven and earth is moved as policymakers rush to secure emergency funds to assist. Don't we deserve the same consideration in the form of temporary emergency relief?

We're not disposable. Livingston is an ethnically diverse, residential, commercial and industrial center in Merced County and the Central Valley. It is strategically located along one of California's major freeway arteries and is just two hours from San Francisco, the Pacific Coast and the majestic Sierra Nevada. Many residents relocated to Livingston because they saw the opportunity to create a future for themselves and their families; over 56 percent are Latino. How is it possible that politics has prevailed over duty, and that the water crisis affecting our city and region has been ignored?

Even more perplexing is the willingness on the part of some elected officials to tolerate the economic impact of the drought in this region. Are we so unimportant that policymakers refuse to consider any change to environmental laws that might provide some relief to our region as we reflect on the human impact?

Apparently for some California leaders, the impact of the drought, especially for young people looking for jobs, does not rise to a level that requires a solution. Rather than participating in a solution, they simply condemn any proposal that is offered. Our representatives have fought hard for a solution, but their efforts have fallen victim to politics.

For years, we have heard platitudes and promises – but now we need follow-through on the commitments. The people of Livingston and the Central Valley need California elected officials to support drought relief legislation. There are seven days left to take action. Please use them to show your colleagues from other parts of the country that we do matter.

Please support drought relief!

Ramirez is city manager of Livingston

Read more here: <http://www.mercedsunstar.com/opinion/opn-columns-blogs/article4373978.html#storylink=cpy>

From: DCardoza@foley.com

Sent: Tuesday, December 9, 2014 12:26 PM

To: Tom Birmingham; Dan Nelson; Ara Azhderian; Jason Peltier; David Longly Bernhardt; Joe Findaro; Denny Rehberg

Subject: Fwd: House to vote on short-term funding bill

Fyi

Congressman Dennis A. Cardoza

Foley & Lardner LLP

Suite 600

3000 K Street, NW<x-apple-data-detectors://0/0>

Washington, DC 20007-5109<x-apple-data-detectors://0/0>

Phone: 202.295-4015

Fax: 202.672.5399<tel:202.672.5399>

Email: dcardoza@foley.com<<mailto:dcardoza@foley.com>>

Sent from my iPhone

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Begin forwarded message:

From: "Snyder, Isaac" <ISnyder@foley.com<<mailto:ISnyder@foley.com>>>

Date: December 9, 2014 at 1:53:48 PM EST

To: "Bornstein, Theodore H." <TBornstein@foley.com<<mailto:TBornstein@foley.com>>>, "Colaneri, Joseph L." <JColaneri@foley.com<<mailto:JColaneri@foley.com>>>, "Cardoza, Dennis A." <DCardoza@foley.com<<mailto:DCardoza@foley.com>>>

Subject: FW: House to vote on short-term funding bill

FYI.

Isaac

From: POLITICO Pro [<mailto:politicoemail@politicopro.com>]

Sent: Tuesday, December 09, 2014 1:52 PM

To: Snyder, Isaac

Subject: House to vote on short-term funding bill

House to vote on short-term funding bill

By Jake Sherman

12/9/14 1:49 PM EST

The House will vote to pass a short-term government funding bill to give the Senate extra time to pass a yearlong spending package and avert a government shutdown.

The timing is uncertain, but the short-term bill will be on the floor Wednesday or Thursday, and it would keep the government open for two or three days so the Senate has time to debate the so-called omnibus.

The House expects to unveil the larger spending bill Tuesday afternoon.

The longer-term bill is expected to pass and is almost certain to avert a government shutdown.

To view online:

<http://politi.co/11vmSNX>

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From: Jason Peltier

Sent: Tuesday, December 9, 2014 5:33 PM

To: T Birmingham (tbirmingham@westlandswater. org); 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'

Subject: Helpful statistics

Attachments: Fast-Drought-Facts.pdf



Fast Drought Facts:

Why Recent Rains Haven't Broken California's Extreme Drought

Many parts of California experienced record-breaking rainfall last week and another strong storm looms this week, but the overall situation remains the same – the majority of our state remains in extreme drought. Reservoirs are still at near historic lows, groundwater basins are being pumped dry, and a new state report reveals that Californians have slowed up on conserving water.

Consider the following facts and statistics:

- Currently, 80 percent of the state is in extreme drought.
- According to the California Department of Water Resources, even with recent storms, Sierra snowpack is only 34 percent of average for this time of year.
- It would take between 12 and 20 storms as big as the one that hit northern California during the first week of December to end the drought.
- From December 7, 2013 -January 29, 2014, the Sacramento region set a record for the longest spell of [consecutive stretch with no rain at 52 days](#). It is not out of the realm of possibility that another dry streak is ahead of us.
- Even if there is a wetter-than-normal winter, [most of California will remain in drought](#) to some degree at the end of the winter.
- Water Year 2014 – overlapping with California's driest calendar year – ended on September 30 as [the state's third driest in 119 years of record](#), based on statewide precipitation.
- California's current drought [rivals some of the most severe droughts of the 20th century](#).
- At the end of the water year, the state's [major reservoirs were at about 41 percent of capacity](#), which is not far off from California's driest year in 1977, when the state had 16 million fewer people.

- After leveling off in September 2014, statewide residential [water conservation receded in October to just a 6.7 percent](#) average reduction in year-over-year water use.
- The agricultural industry has [lost 17,100 seasonal and part-time jobs](#) due to the drought.
- About [428,000 acres of irrigated cropland is out of production](#) in the Central Valley, Central Coast and Southern California due to the drought.
- The estimated total statewide economic [cost of the 2014 drought is \\$2.2 billion](#).

It is evident that planning for extended dry periods is essential to ensure water sustainability for California, and the implementation of the Sustainable Groundwater Management Act and the recently passed water bond will be crucial. For more information on state's critical water challenges and possible solutions, please don't hesitate to call on the California Water Foundation to provide an objective, expert voice.

From: Jason Peltier

Sent: Wednesday, December 10, 2014 2:31 PM

To: T Birmingham (tbirmingham@westlandswater. org); 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'

Subject: CR data from acwa

Attachments: 2014to2015comparison.docx

Appropriations for programs of interest to ACWA members

Agency or Program	2014 Omnibus	2015 Proposed	2015 House	2015 Senate	2015 Omnibus
EPA	\$8.2 billion	\$7.9 billion	\$7.5 billion	\$8.2 billion	\$8.1 billion
Clean Water SRF	\$1.45 billion	\$1.02 billion	\$1.02 billion	\$1.45 billion	\$1.45 billion
Drinking Water SRF	\$906.9 million	\$757 million	\$757 million	\$907 million	\$907 million
Leaking Underground Storage Tanks	\$94.7 million	\$97.9 million	\$95.6 million	\$93.1 million	\$89.65 million
Superfund	\$1.09 billion	\$1.16 billion	\$1.16 billion	\$1.09 billion	\$1.09 billion
Interior Department	\$11.13 billion	\$11.6 billion	\$11.7 billion	\$11.6 billion	\$11.7 billion
Fish and Wildlife Service	\$1.4 billion	\$1.48 billion	\$1.40 billion	\$1.45 billion	\$1.44 billion
USGS	\$1.03 billion	\$1.07 billion	\$1.04 billion	\$1.05 billion	\$1.05 billion
National Streamflow Info Program	\$33.7 million	\$34.9 million	\$33.7 million		\$34.9 million
Cooperative Water Program	\$59.5 million	\$59.6 million	\$65.4 million		\$57.7 million
WaterSMART		\$14.5 million			
CA Bay-Delta Ecosystem		\$27.4 million	\$27.4 million		
Bureau of Reclamation	\$1.1 billion	\$1.04 billion	\$1.0 billion	\$1.2 billion	\$1.1 billion
Title XVI	\$21.5 million	\$21.5 million	\$21.01 million	\$24.5 million	\$21.5
CalFed	\$37 million	\$37 million	\$37 million	\$37 million	\$37 million
WaterSMART	\$19 million	\$19 million	\$18.6 million	\$65 million	\$19 million
NOAA	\$5.3 billion	\$5.4 billion	\$5.3 billion	\$5.4 billion	\$5.4 billion
National Marine Fisheries Service	\$741 million	\$837 million	\$792 million		\$822 million
Pacific Coastal Salmon Recovery Fund	\$65 million	\$50 million	\$50 million		\$65 million
Army Corps (Civil Works)	\$5.5 billion	\$4.5 billion	\$5.5 billion	\$5.1 billion	\$5.5 billion
O&M	\$2.86 billion	\$2.60 billion	\$2.9 billion	\$2.80 billion	\$2.91 billion
Construction	\$1.66 billion	\$1.13 billion	\$1.12 billion	\$1.42 billion	\$1.64 billion
Department of Agriculture	\$144 billion	\$146 billion			
Natural Resources Conservation Services	\$826 million	\$815 million	\$843 million	\$850 million	\$846 million
EQIP	\$1.35 billion	\$1.6 billion	\$1.39 billion	\$1.33 billion	\$1.35 billion
AWEP/RCPP	\$60 million	\$100 million	\$100 million	\$100 million	\$100 million

From: Jason Peltier

Sent: Wednesday, December 10, 2014 9:04 PM

To: <sramos@westlandswater.org>; James Watson; Craig Manson; Philip Williams; Sheila Greene; Dennis Cardoza; Denny Rehberg; Joe Findaro; David Bernhardt; Ed Manning; Carolyn Jensen; Gayle Holman; Mike Wade

Subject: Fwd: Operations Update

Begin forwarded message:

From: "Tom" <tboardman@apex.net>

Date: December 10, 2014 at 6:12:09 PM PST

To: <jaclyn.murray@mail.house.gov>, <mboccardo@dolphingroup.org>, <ahansen@delpuertowd.org>, "Allison Febbo" <AFebbo@swc.org>, "Ara Azhderian" <Ara.Azhderian@sldmwa.org>, "Bobby Pierce" <bobby.pierce@weststanislausid.org>, "Chris Hurd" <cthurd1@yahoo.com>, "Chris White" <ccidwhite@sbcglobal.net>, <cjensen@ka-pow.com>, <ckao@valleywater.org>, "Dan Nelson" <dan.nelson@sldmwa.org>, <[REDACTED]@[REDACTED]>, "David Weisenberger" <dweisenberger@banta-carbona.org>, "Dee Dee D'Adamo" <[REDACTED]@[REDACTED]>, "Dennis Falaschi" <dfalaschi@aol.com>, <DMody@valleywater.org>, "Don Peracchi" <[REDACTED]@[REDACTED]>, "Erick Johnson" <ErickHJ@WaterAgency.com>, <ErickJohnson@WaterAgency.com>, "Frances Brewster" <FBrewster@valleywater.org>, "Frances Mizuno" <frances.mizuno@sldmwa.org>, "Gayle Holman" <gholman@westlandswater.org>, "Jason Dean" <[REDACTED]@[REDACTED]>, "Jason Peltier" <jpeltier@westlandswater.org>, "Jeff Cattaneo" <JCattaneo@sbcwd.com>, <jgutierrez@slwd.net>, "Jim Nickel" <[REDACTED]@[REDACTED]>, "Jon Rubin" <Jon.Rubin@sldmwa.org>, <kimberlyb@paramountfarming.com>, "Mark Rhodes" <mrhodes@westlandswater.org>, "Martin McIntyre" <[REDACTED]@[REDACTED]>, "Melissa P" <MelissaP@paramountfarming.com>, "Mike Gardner" <mgardner@gwdwater.org>, <mwade@farmwater.org>, "Peter Rietkerk" <prietkerk@pattersonid.org>, "Rick Gilmore" <r.gilmore@bbid.org>, <[REDACTED]@[REDACTED]>, "Seth Harris" <seth.harris@sldmwa.org>, "Shelly Abajian" <shelly_abajian@feinstein.senate.gov>, <sramos@westlandswater.org>, "Steve Chedester" <stevechedester@sjrecwa.net>, <tanderson@valleywater.org>, <terryerlewine@swc.org>, <[REDACTED]@[REDACTED]>

Subject: Operations Update

Reply-To: <tboardman@apex.net>

Hi All,

With the hydrology finally changing to a wet pattern, many have requested an update on Project operations. As such, this is to resume my weekly updates on Project operations. The intent of the updates is keep you informed on the current and near term operations, including any current or potential export constraint. Let me know if there is any additional information that you would like me to include.

- Delta inflows have increased from 9,300 cfs on Dec 1 to about 24,000 yesterday.
- Export increases were delayed until the last few days out of concerns for increased salinity in the interior delta caused by high tides and winds from the last storm.
- Banks pumping has been increasing over the past week and reached capacity yesterday (6680 cfs).

- Jones is now at 3 units(2,600 cfs) with another increase expected later this week. CVP operators are reluctant to increase Jones pumping until they see that how the incoming storm will affect salinity.
- Pumping is higher at Banks because the CVP owes the SWP some water under the Coordinated Operation Agreement. The CVP will be allowing the SWP to pump some of its water to the extent possible until the COA debt is paid off; possibly by early to mid January
- High delta inflows are expected to significantly increase turbidity by this weekend such that agency biologists are concerned about protecting delta smelt. The delta smelt BiOp calls for Old and Middle river reverse flow to be limited to -2000 cfs for 14 days if turbidity thresholds are exceeded in the southern delta. The daily OMR for yesterday was about -5000 cfs while the combined exports were about 8,100 cfs.
- The Delta Smelt Workgroup (comprised of State and Federal fish biologists) met today but no recommendation was made. The DSWG will continue to evaluate delta conditions, fish surveys, and export fish salvage as part of its possible recommendation to make an export reduction under the delta smelt BiOp.

Tom

From: Noles, Holly A.
Sent: Thursday, December 11, 2014 11:30 AM
To: 'kclark@westlandswater.org'
Subject: David Bernhardt Travel

Hello Karen-

I am trying to find a hotel for David while in Sacramento. I have the Hyatt Regency on hold but wanted to check with you as to the location of the meeting on Wednesday morning. Can you please assist with the details? Thank you in advance for your help.

Respectfully,

Holly Noles

Holly A. Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP

1350 I Street, NW, Suite 510

Washington, DC 20005

202.652.2352 tel

HNOLES@bhfs.com

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From:**Sent:** Thursday, December 11, 2014 11:34 AM**To:** Noles, Holly A.**Subject:** RE: David Bernhardt Travel**SHERATON GRAND SACRAMENTO HOTEL**

1230 J Street ,13th and J Street
Sacramento, California 95814 United States
Phone: (1)(916) 447-1700 Fax: (1)(916) 447-1701

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Noles, Holly A. [mailto:HNOLES@bhfs.com]**Sent:** Thursday, December 11, 2014 10:30 AM**To:** 'kclark@westlandswater.org'**Subject:** David Bernhardt Travel

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I am trying to find a hotel for David while in Sacramento. I have the Hyatt Regency on hold but wanted to check with you as to the location of the meeting on Wednesday morning. Can you please assist with the details? Thank you in advance for your help.

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Holly Noles

Holly A. Noles

Executive Assistant

Brownstein Hyatt Farber Schreck, LLP

1350 I Street, NW, Suite 510

Washington, DC 20005

202.652.2352 tel

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From: Karen Clark
Sent: Thursday, December 11, 2014 11:37 AM
To: 'Noles, Holly A.'
Subject: RE: David Bernhardt Travel

Hi Holly,

The Sheraton Grand (next to the Hyatt) is a much better hotel. The Hyatt is really a dump (sorry to be so blunt). The Sheraton Grand's contact information is 916.447.1700 and their address is 1230 J Street, Sacramento. It is within walking distance from the meeting being held on the 17th at KP Communications: 1201 K Street, Sacramento. Feel free to contact me any time on my cell if you need anything else. I can be reached at [REDACTED]

Sincerely,

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Noles, Holly A. [mailto:HNOLES@bhfs.com]
Sent: Thursday, December 11, 2014 10:30 AM
To: 'kclark@westlandswater.org'
Subject: David Bernhardt Travel

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Respectfully,

Holly Noles

Holly A. Noles
Executive Assistant
Brownstein Hyatt Farber Schreck, LLP
1350 I Street, NW, Suite 510
Washington, DC 20005
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or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303)-223-1300 and delete the message. Thank you.

From: Jason Peltier

Sent: Friday, December 12, 2014 10:59 AM

To: 'Karen Clark'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'; T Birmingham (tbirmingham@westlandswater.org)

Subject: No Delta tour

Too few were able to make the tour options so we will hold off until a better time.

From: Karen Clark [mailto:kclark@westlandswater.org]

Sent: Thursday, December 11, 2014 3:11 PM

To: 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Dennis Cardoza; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike

Subject: Cancellation of PR/Legislation Call Tomorrow

Importance: High

Everyone,

Sorry for the late notice but we will not have a call tomorrow. We'll see everyone at the meeting on the 17th. Thanks!

~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]
(f) 559.241.6277

Email: kclark@westlandswater.org

From: Gayle Holman
Sent: Friday, December 12, 2014 11:00 AM
To: 'Alison MacLeod'
Subject: FW: No Delta tour

Sorry Alison, but we are cancelling the tour for Wednesday morning. But I look forward to seeing you at the annual strategy meeting.

Gayle

Gayle Holman
Public Affairs Representative
Westlands Water District
3130 N. Fresno Street
P.O. Box 6056
Fresno, CA 93703-6056
(559) 241-6233 (direct)
(559) [REDACTED] (cell)
(559) 241-6277 (fax)
gholman@westlandswater.org

From: Jason Peltier [<mailto:jpeltier@westlandswater.org>]
Sent: Friday, December 12, 2014 9:59 AM
To: 'Karen Clark'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'; T Birmingham (tbirmingham@westlandswater.org)
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Importance: High

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~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Gayle Holman
Sent: Friday, December 12, 2014 11:01 AM
To: 'Philip Williams'
Subject: FW: No Delta tour

Hi Phillip:

Sorry we have to cancel; we will schedule another time. Thanks for your willingness to participate though.

Gayle

Gayle Holman
Public Affairs Representative
Westlands Water District
3130 N. Fresno Street
P.O. Box 6056
Fresno, CA 93703-6056
(559) 241-6233 (direct)
(559) [REDACTED] (cell)
(559) 241-6277 (fax)
gholman@westlandswater.org

From: Jason Peltier [<mailto:jpeltier@westlandswater.org>]
Sent: Friday, December 12, 2014 9:59 AM
To: 'Karen Clark'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'; T Birmingham (tbirmingham@westlandswater.org)
Subject: No Delta tour

Too few were able to make the tour options so we will hold off until a better time.

From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, December 11, 2014 3:11 PM
To: 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Dennis Cardoza; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike
Subject: Cancellation of PR/Legislation Call Tomorrow
Importance: High

Everyone,

Sorry for the late notice but we will not have a call tomorrow. We'll see everyone at the meeting on the 17th. Thanks!

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Alison MacLeod
Sent: Friday, December 12, 2014 11:03 AM
To: Gayle Holman
Subject: Re: No Delta tour

No prob see you then!

Sent from my iPhone

On Dec 12, 2014, at 10:00 AM, "Gayle Holman" <gholman@westlandswater.org> wrote:

Sorry Alison, but we are cancelling the tour for Wednesday morning. But I look forward to seeing you at the annual strategy meeting.

Gayle

Gayle Holman
Public Affairs Representative
Westlands Water District
3130 N. Fresno Street
P.O. Box 6056
Fresno, CA 93703-6056
(559) 241-6233 (direct)
(559) [REDACTED] (cell)
(559) 241-6277 (fax)
gholman@westlandswater.org

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Sent: Friday, December 12, 2014 9:59 AM
To: 'Karen Clark'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'; T Birmingham (tbirmingham@westlandswater.org)
Subject: No Delta tour

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From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, December 11, 2014 3:11 PM
To: 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike
Subject: Cancellation of PR/Legislation Call Tomorrow
Importance: High

Everyone,

Sorry for the late notice but we will not have a call tomorrow. We'll see everyone at the meeting on the 17th. Thanks!

~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: Gayle Holman
Sent: Friday, December 12, 2014 11:04 AM
To: Gilbert Cano
Subject: FW: No Delta tour

Hi Gilbert:

No need for a passenger van after all, we've decided to cancel the tour. Thank you, though, for your assistance in helping with the logistics!

Gayle

Gayle Holman
Public Affairs Representative
Westlands Water District
3130 N. Fresno Street
P.O. Box 6056
Fresno, CA 93703-6056
(559) 241-6233 (direct)
(559) [REDACTED] (cell)
(559) 241-6277 (fax)
gholman@westlandswater.org

From: Jason Peltier [<mailto:jpeltier@westlandswater.org>]
Sent: Friday, December 12, 2014 9:59 AM
To: 'Karen Clark'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jim Watson'; 'Joe Fin'
Subject: No Delta tour

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From: Karen Clark [<mailto:kclark@westlandswater.org>]
Sent: Thursday, December 11, 2014 3:11 PM
To: 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike'
Subject: Cancellation of PR/Legislation Call Tomorrow
Importance: High

Everyone,

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~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277

Email: kclark@westlandswater.org

From: Philip Williams
Sent: Friday, December 12, 2014 11:12 AM
To: 'Gayle Holman'
Subject: RE: No Delta tour

Not a problem; thanks for your work trying to put it together.

Philip A. Williams
Deputy General Counsel
Westlands Water District
Office: 916-321-4207
Cell: 931-237-7455

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From: Gayle Holman [mailto:gholman@westlandswater.org]
Sent: Friday, December 12, 2014 10:01 AM
To: 'Philip Williams'
Subject: FW: No Delta tour

Hi Phillip:

Sorry we have to cancel; we will schedule another time. Thanks for your willingness to participate though.

Gayle

Gayle Holman
Public Affairs Representative
Westlands Water District
3130 N. Fresno Street
P.O. Box 6056
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(559) 241-6233 (direct)
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gholman@westlandswater.org

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To: 'Karen Clark'; 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'; T Birmingham (tbirmingham@westlandswater.org)
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Sent: Thursday, December 11, 2014 3:11 PM

To: 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Dennis Cardoza; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike

Subject: Cancellation of PR/Legislation Call Tomorrow

Importance: High

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~Karen

Karen Clark

Executive Assistant to Thomas W. Birmingham

Westlands Water District

P.O. Box 6056

Fresno, CA 93703

(c) [REDACTED]

(f) 559.241.6277

Email: kclark@westlandswater.org

From: joe.findaro@akerman.com
Sent: Friday, December 12, 2014 12:29 PM
To: jpeltier@westlandswater.org
Subject: Re: No Delta tour

Thanks for trying.

On Dec 12, 2014, at 12:59 PM, "Jason Peltier" <jpeltier@westlandswater.org> wrote:

Too few were able to make the tour options so we will hold off until a better time.

[vCard](#) | [Bio](#)



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Sent: Thursday, December 11, 2014 3:11 PM
To: 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; Catherine Karen; Dan Pope; Darlene Knauf; 'David Bernhardt'; Dennis Cardoza; Denny Rehberg; 'Doug Subers'; 'Ed Manning'; Erick Mullen; 'Gayle Holman'; 'Jason Peltier'; Jim Watson; 'Joe Findaro'; 'Mike
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Importance: High

Everyone,

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~Karen

Karen Clark
Executive Assistant to Thomas W. Birmingham
Westlands Water District
P.O. Box 6056
Fresno, CA 93703
(c) [REDACTED]
(f) 559.241.6277
Email: kclark@westlandswater.org

From: Walthall, Brent
Sent: Monday, December 15, 2014 12:05 PM
To: 'James Watson'
CC: Burman,Brenda W; 'David Bernhardt'
Subject: Dec 17th BDCP Legislation meeting

Hi Jim, Brenda and Dave:

Our board meeting is this Wednesday from 12:00 to 4:00 so I will not be able to join the BDCP Legislative call on Wednesday.

Apologies,
Brent

From: Burman,Brenda W
Sent: Monday, December 15, 2014 3:48 PM
To: Walthall, Brent; 'James Watson'
CC: 'David Bernhardt'
Subject: RE: Dec 17th BDCP Legislation meeting

I also have a conflict on Wednesday

From: Walthall, Brent [mailto:bwalthall@kcwa.com]
Sent: Monday, December 15, 2014 11:05 AM
To: 'James Watson'
Cc: Burman,Brenda W; 'David Bernhardt'
Subject: Dec 17th BDCP Legislation meeting

Hi Jim, Brenda and Dave:

Our board meeting is this Wednesday from 12:00 to 4:00 so I will not be able to join the BDCP Legislative call on Wednesday.

Apologies,
Brent

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From: James Watson
Sent: Monday, December 15, 2014 4:06 PM
To: 'Burman,Brenda W'; 'Walthall, Brent'; 'David Bernhardt'
Subject: RE: Dec 17th BDCP Legislation meeting

Any chance we could have a short call Tuesday afternoon, say 3 PM?

Jim Watson, PE
Westlands Water [REDACTED]
[REDACTED]

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From: Burman,Brenda W [mailto:BBurman@mwdh2o.com]
Sent: Monday, December 15, 2014 2:48 PM
To: Walthall, Brent; 'James Watson'
Cc: 'David Bernhardt'
Subject: RE: Dec 17th BDCP Legislation meeting

I also have a conflict on Wednesday

From: Walthall, Brent [mailto:bwalthall@kcwa.com]
Sent: Monday, December 15, 2014 11:05 AM
To: 'James Watson'
Cc: Burman,Brenda W; 'David Bernhardt'
Subject: Dec 17th BDCP Legislation meeting

Hi Jim, Brenda and Dave:

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Apologies,
Brent

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From: Burman,Brenda W
Sent: Monday, December 15, 2014 5:00 PM
To: Walthall, Brent; James Watson; 'David Bernhardt'
Subject: RE: Dec 17th BDCP Legislation meeting

If 3:15 would work for me

From: Walthall, Brent [<mailto:bwalthall@kcwa.com>]
Sent: Monday, December 15, 2014 3:06 PM
To: James Watson; Burman,Brenda W; 'David Bernhardt'
Subject: RE: Dec 17th BDCP Legislation meeting

Works for me!

Brent

From: James Watson [<mailto:jwatson@westlandswater.org>]
Sent: Monday, December 15, 2014 3:06 PM
To: 'Burman,Brenda W'; Walthall, Brent; 'David Bernhardt'
Subject: RE: Dec 17th BDCP Legislation meeting

Any chance we could have a short call Tuesday afternoon, say 3 PM?

Jim Watson, PE
Westlands Water District
Cell: 559.708.8720

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From: Burman,Brenda W [<mailto:BBurman@mwdh2o.com>]
Sent: Monday, December 15, 2014 2:48 PM
To: Walthall, Brent; 'James Watson'
Cc: 'David Bernhardt'
Subject: RE: Dec 17th BDCP Legislation meeting

I also have a conflict on Wednesday

From: Walthall, Brent [<mailto:bwalthall@kcwa.com>]
Sent: Monday, December 15, 2014 11:05 AM
To: 'James Watson'
Cc: Burman,Brenda W; 'David Bernhardt'
Subject: Dec 17th BDCP Legislation meeting

Hi Jim, Brenda and Dave:

Our board meeting is this Wednesday from 12:00 to 4:00 so I will not be able to join the BDCP Legislative call on Wednesday.

Apologies,
Brent

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From: James Watson
Sent: Tuesday, December 16, 2014 4:29 PM
To: BBurman@mwdh2o.com; Brent Walthall; David L. Bernhardt
Subject: DCE Work Group Charter (Legislation)
Attachments: Legislation Work Group Charter 112114.docx

Importance: High

Attached is the "Chartering Document" that will be presented to GMs at Friday's Issue-Resolution meeting. Based on their input, we'll make any course corrections to then move forward.

Jim Watson, PE
Westlands Water District
Cell: 559.708.8720

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From: James Watson [<mailto:jwatson@westlandswater.org>]
Sent: Wednesday, November 26, 2014 11:49 AM
To: dbertolani@hgcpm.com
Subject: DCE Work Group Charter (Legislation)
Importance: High

Attached it the draft Charter. If you have any questions, please call.

Jim Watson, PE
Westlands Water District
Cell: 559.708.8720

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From: James Watson [<mailto:jwatson@westlandswater.org>]
Sent: Monday, November 24, 2014 12:43 PM
To: Brent Walthall
Subject: FW: Work Group Charter (Legislation)
Importance: High

Brent

Please review & "edit at will". I'd like to send it to Chuck's team by COB Tuesday.

Jim Watson, PE
Westlands Water District
Cell: 559.708.8720

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prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Dawn Bertolani [<mailto:dbertolani@hgcpm.com>]
Sent: Friday, November 21, 2014 4:57 PM
To: Bogdan, Kenneth M. (Kenneth.Bogdan@water.ca.gov); jfiedler@valleywater.org; Jim Watson (jwatson@westlandswater.org); Arakawa, Stephen N
Subject: Work Group Charter

Hello,

You are receiving this email because you have been assigned to lead a Work Group.

Attached is the Work Group Charter. **Please fill in any areas highlighted in yellow and send back to me.** If you would like assistance in getting your first Work Group Meeting scheduled, send me a list of meeting participants email addresses, duration/location of meeting, and the dates/times you are available. I will coordinate from there.

Please let me know if you have any questions on how to fill out the attached form.

Thank you,
Dawn

Dawn Bertolani
(916) 708-0639



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www.hgcpm.com

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LEGISLATION WORK GROUP CHARTER

INFORMATION

Date: November 24, 2014

Chair: Jim Watson

PURPOSE

Define federal and state legislation needed to cost-effectively implement the BDCP in accordance with its current schedule (See Note 1).

DELIVERABLES

- | | |
|--|-------------------|
| 1. Prepare strawman federal legislation (See Note 2) | 2015 September 30 |
| 2. if needed, prepare strawman state legislation | 2015 September 30 |

ANTICIPATED WORK GROUP COMPLETION

In conjunction with completion of the BDCP planning phase (see Note 3); which is forecast to occur before 2015 November.

MEETING INFORMATION

Frequency: Monthly, Wednesday 3 to 3:30 PM (or more frequently if required)

Location: Conference call

PARTICIPANTS

- | | |
|------------------|-------------------|
| ▪ Jim Watson | ▪ Brenda Burman |
| ▪ Brent Walthall | ▪ David Bernhardt |

OTHER

NOTE 1: Assumes federal agencies responsible or contributing to implementation require additional authorities &/or clarification of their existing authorities.

NOTE 2: This effort is primarily dependent upon (a) the recirculated draft BDCP & its EIR/S, which will better define what if any new authorities would be needed by the federal agencies – both lead agencies for EIS (and ESA Sections 7) and cooperating agencies and (b) progress towards resolving the CVP-SWP cost allocation (i.e. cost follows the water).

NOTE 3: On October 20, the initial effort was put on hold with a planned re-start in 2015 March. However, informal work can re-start in 2015 January.

From: UberConference

Sent: Tuesday, December 23, 2014 3:16 PM

To: gholman@westlandswater.org

Subject: Conference Invite from Cannon Michael: Water PR Call - 2015 Strategy on Thursday January 08, 2015 @ 3:00 pm (PST)

Attachments: invite.ics



Cannon Michael has invited you to a conference call:

Water PR Call - 2015 Strategy

January 8, 2015 at 3:00PM (PST)

Ways to Join

Go to: <https://www.uberconference.com/████████> or just call 877-████-████. No PIN needed.

Alternate #: 209-████-████

Invited Participants

Tom Barcellos, Erik Hansen, Sarah Woolf, Nancy Williams, Mike Wade, Dan Keppen, Tony Azevedo, David Bernhardt, Clare Foley, Steve Chedester, Mike Henry, Tom Birmingham, Maria Gutierrez, Gayle Holman, Paul Adams, Sean Geivet, Brent Walthall, Ara Azhderian, Loren Booth, Dominic DiMare, Melissa Poole, Ronald Jacobsma, Mario Santoyo, Cannon Michael, Chris White, Daniel Errotabere, Kimberly Brown, James Nickel, Kent Stephens, Dennis Cardoza, Joe Raeder, Dave Puglia, Chris Hurd, Aubrey Bettencourt, Roger Isom, Jennifer T. Buckman, Martin McIntyre, Gawwhitefresno@comcast.net, William Bourdeau, Chase Hurley, Louie Brown, Mark Watte, Shawn Coburn, Dan Nelson, Joel Nelsen, Dennis Nuxoll

Tip: Save and download recordings

Automatically record all of your conference calls and access the recordings in your Conferences Page.

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[International access numbers](#)

UberConference

If you'd like to stop getting reminder emails from UberConference, contact Cannon Michael, the organizer.

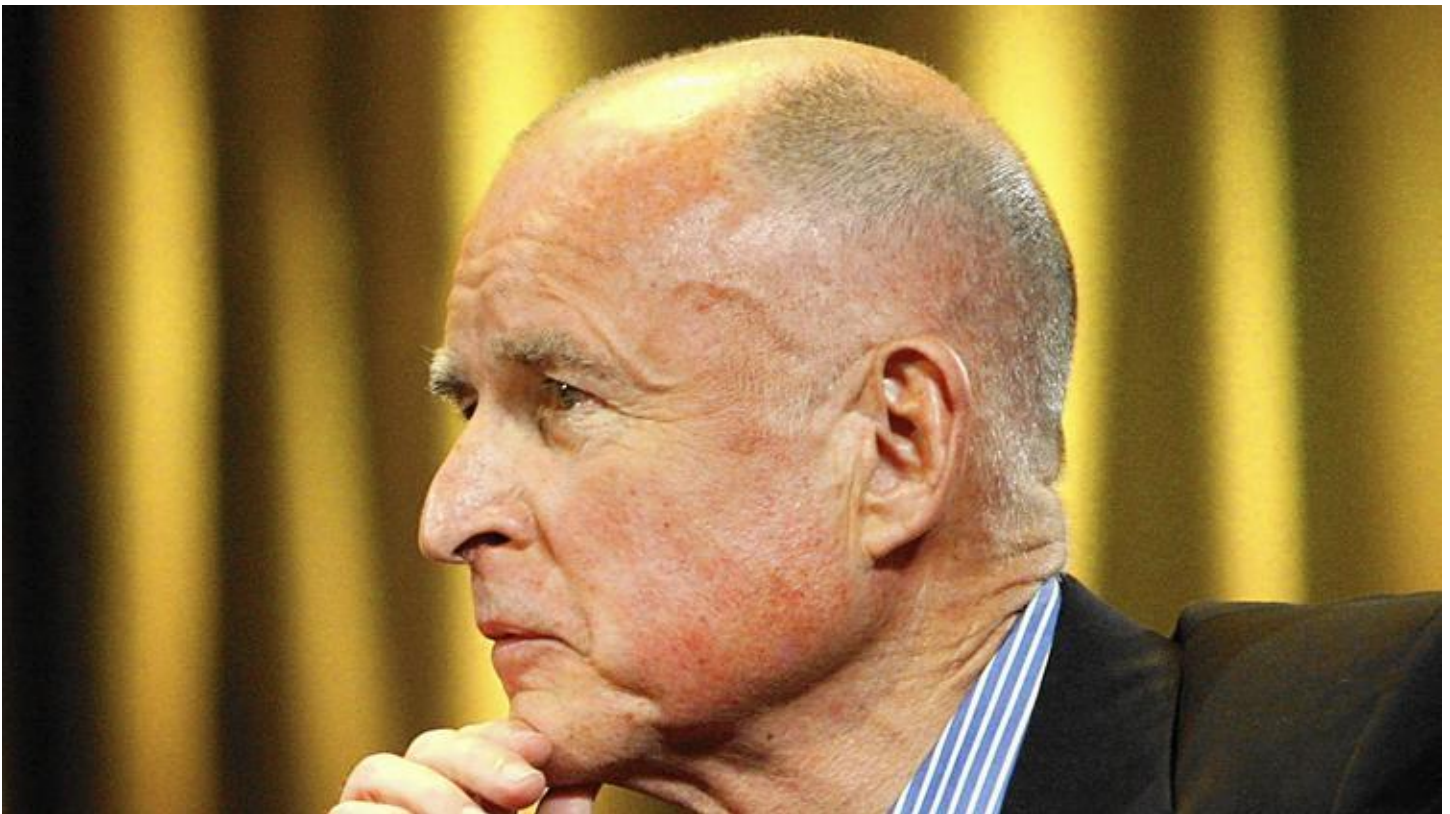
From: Jason Peltier

Sent: Tuesday, December 30, 2014 10:16 AM

To: T Birmingham (tbirmingham@westlandswater.org); 'Alison MacLeod'; 'Carmela McHenry'; 'Carolyn Jensen'; 'Catherine Karen'; 'Dan Pope'; 'Darlene Knauf'; 'David Bernhardt'; 'Dennis Cardoza'; 'Denny Rehberg'; 'Doug Subers'; 'Ed Manning'; 'Erick Mullen'; 'Gayle Holman'; 'Jason Peltier'; 'Jim Watson'; 'Joe Findaro'; 'Mike Burns'; 'Sheila Greene'; 'Susan Ramos'

Subject: LATimes article on the Governor and family legacy

Jerry Brown looks to carry on his family's legacy building California



Jerry Brown

Luis Sinco, Los Angeles Times

Gov. Jerry Brown's historic ties to California have been on his mind as he prepares for his fourth term.

By [SEEMA MEHTA](#) *contact the reporter*

As he prepares for his fourth term, the governor says he wants to live up to the promise of his ancestors

At a rally in the waning days of the fall campaign, Gov. Jerry Brown bantered with Rep. Dana Rohrabacher about how long they had been acquainted.

The Huntington Beach congressman said, "When you had hair."

Brown rejoined, "When I had hair, Methuselah was walking the streets," referring to the longest-living person in the Old Testament.

It was a lighthearted moment, and not Brown's first reference to his advancing age. Nor was it his first public reflection on years past as he has prepared to enter what is likely to be his final chapter of elected life.

Heading into a historic fourth term, Brown has been talking about both his mortality and his family's historic ties to California.

Highlights of Gov. Jerry Brown's career

After graduating from Yale Law School in 1964, Brown held several political offices.



Gov. Brown's career

"Over the next four years, to the extent I have the ability, the physical and intellectual stamina and capacity, I'm going to do my utmost to live up to the promise of California that brought my great-grandfather, August Schuckman, here to Sacramento in 1852," Brown told reporters outside the governor's mansion on election night last month.

Brown said his family's story taught him about "grit, guts, imagination, being willing to sail into the unknown with the confidence you can not only survive but the confidence you can create something wonderful."

At 76, Brown is the nation's oldest governor. But that was not an issue in the campaign; he swamped his 41-year-old rival, Republican Neel Kashkari. In fact, Brown raised his longevity himself.

"We only are here for a while, and we pass on.... But what do we leave as we go?" he said to a pre-election crowd of hundreds in the rural enclave of Williams — a spot with zero electoral importance but one close to Brown's heart because it lies near Schuckman's mid-19th-century settlement.

"It's really important we know where we came from if we want to figure out where we're going," he said.

Brown is focused, at least in part, on endeavors that would outlast him: a bullet train linking the Bay Area with Los Angeles, a proposal for twin tunnels to move water around the state, bolder efforts to battle climate change. He ties these forward-looking projects to the pioneering drive that led his ancestors to California.

In a post-election news conference, Brown noted that Schuckman had fled Prussia, traveled by wagon train through hostile Native American lands and eventually settled outside Williams during the Gold Rush. He pointed to a picture of his great-grandfather feeding sheep.



Jerry Brown

Los Angeles Times

Gov.-elect Jerry Brown talking with reporters at his campaign headquarters in Los Angeles shortly before giving his victory speech on Nov. 6, 1974.

Gov.-elect Jerry Brown talking with reporters at his campaign headquarters in Los Angeles shortly before giving his victory speech on Nov. 6, 1974. (Los Angeles Times)

"I put it on the wall up there because he's an inspiration — the pioneering spirit," Brown said. "It took courage to forge into the unknown.

"OK, today, it's not the open space, but we do have uncharted territory — of climate change, of bitter diversities of ideology, capitalism and a democracy that is ... dispiriting to many people," Brown continued. "I think the opportunity for courage and pioneering and innovation is just as alive."

Brown's most famous relative was his father, former Gov. Pat Brown. His father's accomplishments weigh on the governor's mind as he thinks about how he would like to leave the state.

"I feel I have a lot to live up to," Brown said, "and I'm going to make sure that during these four years I maximize that opportunity."

Bruce Cain, a Stanford University political science professor, has observed Brown since his first terms as governor, from 1975 to 1983.

[ADD A COMMENT](#) [SEE ALL COMMENTS](#)

[88](#)

Busy running for president in some of those years, Brown "wasn't as interested in his legacy, other than he seemed to almost be the antithesis of his father," Cain said. Brown's hallmark was his ascetic tendencies, "trying to do good with efficient, small government."

The governor's current turn toward the past is partly "to cement the Brown legacy as the builders of California," Cain said.

Former Gov. Gray Davis, Brown's chief of staff from 1975 to 1981, noted that the governor is in a different phase of life now.

"He came on the scene as the new kid on the block, challenging conventional assumptions, some good, some not so good," Davis said. "Now he's a wise old oracle overseeing probably his last four years in elected office, definitely his last four years as governor."

Over the next four years ... I'm going to do my utmost to live up to the promise of California that brought my great-grandfather, August Schuckman, here to Sacramento in 1852.- Gov. Jerry Brown

Brown said in an interview that he has always been interested in his lineage — he recalled conversations with his late grandmother about the family's history — and cites his time in a Jesuit seminary to rebut the notion that he was not reflective when younger.

"I was pretty introspective in seminary. We could not talk for two years, not a lot of chatter. We could talk twice a day, for 20 minutes," Brown said. "But as you get older, your perspectives change. When you're 20 or 30, it seems more one way. Forty years later, it looks a little different, so that fosters some degree of introspection, that's true."

In recent years, he has traced his ancestors' descendants, discovering cousins and other relatives he didn't know he had. Several dozen gathered at the Schuckman ranch for lunch last year; some will attend Brown's inauguration Jan. 5.

The governor also recently asked state Librarian Greg Lucas to make state archives easier to search by genealogists.

"He's encouraged us here at the library to try and find some way so any Californian can go and research and discover their California story," Lucas said.

And Brown is spending more time at the Williams-area ranch, of which he owns 28%. The 2,500-acre property is home to cattle and honeybees. Wells have been drilled, and a house will be built.

Once retired, Brown said, he may spend the final years of his life on the land.

"The more I spend time on it, the more I like it. It's endlessly fascinating ... the animals, the shapes of the mountains," he said, adding that he is researching the ranch's soils and grasses.

The method mirrors Brown's self-described approach to governing.

"I'm studying the land to understand how best to work with it — understanding what it was, what it could be."